Town of Sandwich

The Oldest Town on Cape Cod

Historic District Committee

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REVISED

Minutes of a public meeting held on **March 9, 2016**, at 6:30 pm by the **Sandwich Historic District Committee** in the Human Services Building Meeting Room, 270 Quaker Meetinghouse Road, Sandwich, MA.

Members Present: Bill Collins (BC), Mary Foley (MF), Terry Blake (TB), Richard Claytor (RC), Lynda Haller (LH)
Absence(s): Richard Alger (RA)

Mary Foley, (MF) appointed Alternate Members Lynda Haller (LH) and Richard Claytor (RC) as voting members for the evening.

The documents used or available at the meeting are as referenced below.

1. **Continued Certificate(s) of Appropriateness**

   15-176D Justice Resource Institute
   Demolish garage at 209 and 0 Route 6A, located at Map 67, Lot 13 & 52. A Motion was made (BC) to withdraw the application without prejudice, at the applicant's request, via e-mail, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

   15-177D Justice Resource Institute
   Demolish existing addition at 209 and 0 Route 6A, located at Map 67, Lot 13 & 52. A Motion was made (BC) to withdraw the application without prejudice, at the applicant's request, via e-mail, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

   15-178 Justice Resource Institute
   New building added to existing at 209 and 0 Route 6A, located at Map 67, Lot 13 & 52. A Motion was made (BC) to withdraw the application without prejudice, at the applicant's request, via e-mail, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

2. **Certificate(s) of Appropriateness**

   16-27 MA Department of Conservation and Recreation (DCR)
   Demolition of house, garage, chicken coop, tool shed and pig shed at 32 Main Street, located at Map 99, Lot 001. Documents submitted with application as follows: Application for Certificate of Demolition/Removal, Letter dated 1/13/16 (DCR Acknowledgement), Existing Photos, Locus Map, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Present were Preservation Planner, Jeff Harris of DCR office of Cultural Resources and Les Perry, Park Operations Staff of Shawme Crowell State Park. Mr. Harris described project as listed above further explaining that the main house was built around 1920 and added onto. The buildings have not been used for over 15 years and due to their location have become a target of vandalism. Committee inquired to its habitability if repaired, the applicant explained that the Park does not allow staff to live onsite. Committee requested public comment, hearing none a Motion was made (TB) to accept the project as presented, Seconded, (BC). The motion was passed with a vote of 5-0-0.

16-28 Janice Hannah

New home at 31 and 33 Wing Boulevard West, located at Map 55, Lot 030 and 031. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Plot/Landscape Plan, Building Elevations, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Representatives Dave and Barbara Meyers were present. The applicant's explained the project as listed above with material and color details. The Committee had no questions, when asked for public comment and hearing none a Motion was made (TB) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-29 Fourteen Route Six A, LLC

Alteration to include roof, windows, doors, siding, trim and shutters at 14 Route 6A, located at Map 86, Lot 85, 86, 89, 90. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Certified Abutters List, Statement of Understanding, and Existing Photos. Owner, Jon Hansen was present and explained the project as listed above adding that he was the new owner and because the building was rundown his interest was to update the property. The Committee had no questions, when asked for public comment and hearing none a Motion was made (TB) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-30 Marianne DePamphilis

Solar panels at 6 Carleton Drive West, located at Map 55, Lot 205. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Plan to include existing pictures, plot plan and manufactured photos, Certified Abutters List, Statement of Understanding, and Representative Designation Form. Present was Representative, Noah Hayslip who explained the project as listed above and added that fact that the panels will be on the rear of the home. The Committee had no questions, when asked for public comment and hearing none a Motion was made (TB) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

Chairperson, (MF) requested that the Committee hear Applications 16-34, 16-35, 16-36D and 13-36RB from Justice Resource Institute (JRI) at this time, taking Applications 16-31, 16-32D and 16-33 after, Representative for JRI, Attorney Losordo,agreed.

16-34 Brian/Andrea Bertonazzi

Close in screen porch to make sunroom at 76 Salt Marsh Road, located at Map 85, Lot 20. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Building Elevations, Certified Abutters List, Representative Designation Form, Statement of Understanding and Existing Photos. Present was Representative, Anne Michniewicz who explained the project as listed above. The Committee inquired to a note on the first page of the elevation drawings, the applicant explained that she had done several projects on this house and the note in question was not part of this project; Ms. Michniewicz initialed each set of plans to reflect this. Committee requested public comment, hearing none a Motion was made (TB) to accept the project as amended (to void the note on the top of the 1st page of the elevation plans), Seconded, and (BC). The motion was passed with a vote of 5-0-0.

16-35 Shirley Shepard

New porch and deck at 83 Salt Marsh Road, located at Map 77, Lot 50. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Plot Plan, Building Elevations, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Present was Representative, Anne Michniewicz and explained the project as listed above, adding that this home was severely damaged last winter. The Committee inquired to the materials being used, and the Representative indicated composite materials would be used. Committee requested public comment, hearing none a Motion was made (TB) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-36D Jeff/Marcy Romani

Demolition of cottage at 236 Phillips Road, located at Map 96, Lot 71. Documents submitted with application as follows: Application of Certificate for Demolition/Removal, Plot Plan, Existing Photos, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Present was Representative, Anne Michniewicz who explained the project as listed above, adding that this was approved by this Committee at a prior hearing, three years ago and had since expired. The work was never done and the proposed work is exactly the same. Committee Member, (RC) commented on the fact that he was unable to visit the site and would like the present and future applicants to provide some photos to show the context of the surrounding area. The Representative responded that the file had been in the office for three weeks and that the applicant is not required to submit such information. Committee Member (BC) added that this scope work has been very common in this particular area, the applicant's representative agreed. Committee requested public comment, hearing none a Motion was made (TB) to accept the project as presented, Seconded (BC), Abstained (RC). The motion was passed with a vote of 4-0-1.

16-37RB Jeff/Marcy Romani

New home at 236 Phillips Road, located at Map 96, Lot 71. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Plot Plan, Building Elevations, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Present was Representative, Anne Michniewicz and explained the project as listed above; detailing the materials and colors. The Committee inquired to the height, she explained the house would be placed on piles, adding height detail. Committee requested public comment, hearing none a Motion was made (BC) to accept the project as presented, Seconded (LH), Abstained (RC). The motion was passed with a vote of 4-0-1.

Chairperson, (MF) requested that the Committee hear the upcoming Informal as listed on the agenda at this time, taking Applications 16-31, 16-32D and 16-33 for Justice Resource Institute, (JRI) after, the Representative for JRI, Attorney Losordo agreed.

3. **Informal(s)**

Present were Attorney, Michael Ford representing NRG, Brian McCabe of NRG and the Director of the Community Solar Project, P. E., Richard Tabaczynski. Attorney Ford explained he was before the Committee, informally this evening with the following presentation, regarding a proposed solar array at 1 & 0 Route 6A. He continued to explain his intent to file for a Certificate of Appropriateness later this month. He added that he was also seeking permitting from other Town Boards as well as Cape Cod Commission. He spoke about the existing and proposed site plan, and the project would not be too visible from the street as they plan on a buffer using natural vegetation. Committee Member (RC) suggested careful species selection in regards to the proposed landscape screening and would like it to be kept natural looking as to blend in with the surrounding landscape and not stand out as it seems to on the visual board provided, the other

Committee Members agreed. The Committee requested that a site visit, upon completion of specified staking, be scheduled through the Administrative Assistant.

2. **Certificate(s) of Appropriateness (continued)**

16-31 Justice Resource Institute (JRI)

New entry door and new barrier-free access to existing building, along with reconstruction of rear deck on north side of existing building at 209 & 0 Route 6A, located at Map 67, Lots 13 & 52. Documents submitted with application as follows: Application of Certificate of Appropriateness, Existing Photos, Manufactured Photos, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Present were Attorney, Benjamin Losordo, Design Consultant, Michael Whitmore and JRI's Executive Vice President, Greg Canfield. A Motion was made (RC) to accept the project (Application #16-31) as presented, Seconded (LH), Opposed (TB). The motion was passed with a vote of 4-1-0. (Discussion details below)

16-32D Justice Resource Institute

Demolition of existing garage foundation, proposed relocation of existing garage (to be repaired to match existing building) on new foundation, at 209 & 0 Route 6A, located at Map 67, Lots 13 & 52. Documents submitted with application as follows: Application of Certificate for Demolition/Removal, Plot Plan, Existing Photos, Certified Abutters List, Representative Designation Form, and Statement of Understanding. A Motion was made (BC) to continue Application #16-32D to March 23, 2016, at the applicant's request, Seconded (TB). The motion was passed with a vote of 5-0-0. (Discussion details below)

16-33 Justice Resource Institute

New 2 story building including basement with connected 1 story barn, improve curb cut and construct driveway along centerline of existing way. Construct walkways, retaining walls and parking area at lower elevation on property and landscaping in accordance with landscape plan, at 209 & 0 Route 6A, located at Map 67, Lots 13 & 52. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Landscape Plan, which was drafted at this meeting, when the applicant submitted a new Landscape Plan, Elevation Plans, Grading & Drainage Plan, Certified Abutters List, Representative Designation Form, and Statement of Understanding. The Applicant submitted additional information on March 4, 2016, post submission, which included a 13-tabbed bound document summarizing project. This document was drafted and replaced at this meeting; the new submission included minor changes. The applicant also submitted at the office this afternoon, a Plan of Land. Additional information submitted at the meeting was as follows: Existing Photos, School Plans & Area Calcs., Perspective View, Overhead View, and Site Context & Scale. Present were Attorney, Benjamin Losordo, Design Consultant, Michael Whitmore and JRI's Executive Vice President, Greg Canfield. A Motion was made (BC) to continue Application #16-33 to March 23, 2016, at the applicant's request, Seconded (TB). The motion was passed with a vote of 5-0-0. (Discussion details below)

Michael Whitmore described in detail (Application #16-31) information regarding internal alterations as well as building usage. When Mr. Whitmore continued to speak about the garage, it was brought to his attention, by the Committee, that the garage demolition was a separate filing. Committee Member, Rich Claytor commented that he would like to hear about the project as a whole and felt it would allow a better context in which to vote on all three applications. The Committee agreed to allow combined discussion, while Chairperson Foley reminded everyone that individual motions will be taken on each application. The Committee requested that public comment be heard on each individual filing so as to not confuse the applications. Chairperson Foley requested Committee comment and public comment on application #16-31, hearing none she asked the Applicant to continue with the presentation, briefly linking, contextually, all three projects. Mr. Whitmore continued to explain how all three structures are set on the plot and their usage. He added, the garage will be

repaired in kind, with the new proposed structure. Committee Chairperson, (MF) asked that Mr. Whitmore, briefly explain how this project ties into the next filing (Application #16-33). The Committee inquired as to how the structure would be lifted off the existing foundation. The applicant responded that a deck would be placed, jacked and dolly the structure to the temporary site. Committee Member (TB) inquired to the Assistant Building Inspector, Brendan Brides as to how the building application would be filed for the garage and if it would be considered a Demolition, he responded by explaining that the foundation would be considered a demo not the structure. (TB) continued by comparing this project to a prior project, Assistant Inspector Brides had no knowledge of said project. The Committee requested public comment, Amanda Sawyer of Crowell Road inquired as to the grading for each building and parking, which was explained by Mr. Whitmore using the displayed plans and photographs. Abutter, Steven Jones who resides directly across the street from the proposed project, expressed his opposition of the garage, in its poor condition, being placed on open display of Route 6A and remarked of the inappropriateness of this on scenic Route 6A. Citizen, Margo Mancinelli commented that this garage will not be in keeping with the historical district. The Committee inquired as to the handicapped access and if it would be designed differently if this building was a residential home, the applicant responded that he could not answer, it would be based on the needs of the residents. The Committee again requested public comment, hearing none a motion was requested for Application #16-31. A Motion was made (RC) to accept the project (Application #16-31) as presented, Seconded (LH), Opposed (TB). The motion was passed with a vote of 4-1-0.

The Committee asked for public comment on Application 16-32D, Sebastian Theroux commented as to the fact that a motion was made after Committee Member, Richard Claytor previously explained he would like to hear all the filings before making a motion. Chairperson Foley explained that she had confirmed with the Committee, their satisfaction of the presentation and if they were ready to vote on Application #16-32D, Committee member, Richard Claytor concurred adding he was indeed comfortable making the previous motion. Committee comment continued, inquiries regarding the proposed exterior alterations to the garage and the fact that neither the Building Spec Sheet nor the Color/Sample Sheet were included in the application The applicant explained the garage would match the proposed building (Application #16-33). The applicant assured the Committee that the two forms in question were in the next application (Application #16-33) and it was decided by the Committee that would suffice. The Administrative Assistant informed Chairperson Foley, of many new submittals in reference to Application #16-33, received after the last meeting of February 24, 2016. Attorney Losordo shared with the Committee the Plot restrictions as set forth by the Cape Cod Commission. Mr. Whitmore provided detailed description of the new plans submitted tonight to include an overall view of the land, describing the buildings' placement in association with the street, parking lot and landscaping design as part of the setting. Public comment was requested, Resident, Carlo DiPierso inquired about the entrance and parking lot concerns made by Committee Member Richard Claytor, who explained that the Committee's purview was to consider structures, and that while parking and landscape was considered as part of the setting, the Committee did not approve parking lots. Attorney, Brian Wall, representing, Gene Theroux commented that with all the new information submitted tonight he would ask that a continuance be granted. He continued to explain his client's concerns, size of the project and requested lighting concepts be discussed. The Committee requested information of the applicant in regards to square footage. Committee Member, Terry Blake explained concerns in regards to a past filing from an abutter, who was denied due to size. Ms. Blake stressed the importance of this, as their duty to consider setting. Applicant, Ms. Michneiwicz and Attorney Losordo explained that they actually represented the filing Ms. Blake was referring to and explained that the demolition was denied, not the rebuild. Ms. Blake disagreed and asked that the minutes be reviewed; Ms. Michnewicz added that if one application was going to be review all neighboring application should be studied. Chairperson Foley asked that the Committee move on, indicating the proposed activity was not pertinent to the application before the Committee. Abutter, Steven Jones asked that public comment be allowed; Chairperson Foley requested a 5 minute break. After a 5 minute recess, the meeting reconvened at approximately 9:45 pm. Chairperson Foley explained that she felt as though she allowed sufficient time for public comment throughout this presentation, breaking up the presentation many times to allow for comment as the project was complex and

wanted everyone in the audience as well as on the Committee to be able to comment along the way, but would allowed an additional 10 minutes of public comment at this time. Resident, Carl Johansen shared his concerns that this building did not fit in to the historic district setting and would have a negative impact. He also had uncertainties as to adherence to the square footage restrictions set forth by Cape Cod Commission. Abutter, Steven Jones asked that Committee refer this project to Cape Cod Commission for full appraisal and judgment. Resident Margo Mancinelli expressed her opposition to the project, her concern that this will change the neighborhood setting and her worry that abutting lots would be purchased and projected growth, she compared it to Riverview School. Jonathan Fitch, of Great Island Road expressed his opposition of this project detailing his concern for the proposed large size of the project in this location. Resident, Amanda Sawyer conveyed her concern of the large size of the proposed building in comparison to the two other buildings on the property and it being too large in that context. Abutter, Gene Theroux expressed his opinion that a continuance should be granted, as new information had been submitted at such a late date and asked the Committee to consider the hour. Chairperson Foley explained there was probably going to be a continuance, but as she mentioned in the beginning of the evening, due to the complexity of this project and the substantial amount of information, not to mention the inquiries from the Committee, as well as the audience, the objective tonight was to absorb, process and to allow everyone to have a chance to comment as much as possible this evening, she respectfully asked that public comment continue. Mr. Theroux further expressed his concern that approval of this project would set a precedent that would not favor the historic district. Chairperson Foley asked that public comment end and asked the Committee if they were ready to move on so they could attend to the other items on the agenda. Committee Member, Richard Claytor commented on the late submittal of information and that they should have sufficient time to peruse this documentation to discuss at a later meeting. Attorney Losordo requested of the Committee a continuance. A Motion was made (BC) to continue Applications #16-32D and #16-33 to March 23, 2016, at the applicant's request, Seconded (TB). The motion was interrupted by Committee member, Richard Claytor, who commented that there were more audience members requesting to speak and he would ask that the Chairperson allow everyone to speak within reason. Chairperson Foley reiterated that she did set a specific time for public comment and felt as though she was generous this evening with public comment allowance and would like to move ahead . Attorney Losordo requested, of the Committee, to approve a continuance. Chairperson Foley asked for a motion again. A Motion was made (BC) to continue Applications #16-32D and #16-33 to March 23, 2016, at the applicant's request, Seconded (TB). The motion was passed with a vote of 5-0-0.

4. **Other Business**

Chairperson Foley addressed the concerns of general public comment. In summary the Committee was in agreement that public comment was encouraged, as long as comments are relevant to the specific topic being discussed. It was also discussed, that in recent meetings, public comment had become abusive, and the Committee would hope this would not occur and would not be tolerated in the future. Committee Member, Lynda Haller read Section 20 Subsection E and F of the Open Meeting Law. Chairman Foley expressed the importance of public comment and believes this process is in place already, but feels that general public comment would be better scheduled through the Administrative Assistant as an Informal, as has been done in the past, this way Committee Members are prepared. Public comment was requested. Don Stainbrook of 2 Faunce Mountain Road expressed his concern that he has been prevented from speaking in the past; Chairperson Foley reiterated her generous allowance for public comment and thanked him. Judith Stainbrook of 2 Faunce Mountain Road asked that he Committee show respect to the residents and allow them to speak, whether the Committee likes what they are saying or not, Chairperson Foley thanked her.

Chairperson Foley acknowledged receipt of an Open Meeting Law Complaint from Erin Sullivan, received February 24, 2016 in regards to the February 10, 2016 meeting. In Summary, the complaint was that the meeting notice for the February 10th and February 24th meeting were insufficient and thus in violation of the law. The complainant felt as though the agenda item was insignificant in the amount of detail in regards to the address, therefore questioning the certified abutters list. Chairperson Foley noted

that an amendment to said complaint was received this afternoon and would be addressed at a later meeting. Chairperson Foley summarized a written response prepared by Town Counsel, which was distributed to Committee via e-mail, that the meeting notice was sufficient in accordance with the Open Meeting Law. A Motion was made (BC) to accept the response, Seconded (LH), Abstained (RC) and (TB). The motion as passed with a vote of 3-0-2.

Chairperson Foley, discussed committee vacancies and the process in which the Committee interviews and recommends potential members to the Board of Selectmen. She thought it was a good idea to ask interview questions and distributed a sample list. The Committee discussed the questions and made some minor edits, finding the process suitable, a Motion was made (BC) to adopt this questionnaire as Committee procedure, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

The Committee discussed Amanda Sawyer who spoke informally at the meeting of February 24, 2016 in regards to her interest in becoming an appointed member as Builder/Architect for the 2016 year. At said meeting, the Committee requested a resume, which was received and forwarded via e-mail by the Administrative Assistant. The Committee asked that this be continued to the next meeting, scheduled for March 23rd.

Committee discussion regarding a prepared statement being placed on the agenda in regards to supplemental filing submission deadlines. The Committee, at the meeting of February 24, 2016, agreed to take time to review and take the matter up this evening. The Committee liked the idea and requested they be notified, via e-mail, if additional information is received and if time permits and the Administrative Assistant's schedule allows, she will forward information digitally. A Motion was made (BC) to accept said language, to be placed on each Agenda, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

Committee Member (BC) briefly shared information obtained from the March 1, 2016 Annual Meeting of the Old King's Highway Regional Historic District Commission. He informed the Committee that updating the Bulletin, which was placed on hold, is back in the forefront. He asked that any comments/input would be welcome from the Committees. The Commission is planning a meeting for all Committee Members late April early May and we would be notified when a date is set.

5. Minutes

The January 10 and 24, 2016 minutes were not prepared for a motion. Chairperson Foley asked if there was a Committee Member that would volunteer to help the Administrative Assistant in taking notes at meetings, which would help with the minutes. Terry Blake agreed to help out.

Public comment was requested; Warren Blake mentioned that by requesting electronic submissions for supplemental information might make it easier for the Administrative Assistant to distribute to the Committee Members.

6. Adjournment

A Motion was made (RC) to adjourn at 10:40 pm – Seconded (BC). The Motion was passed with a vote of 5-0-0.

Respectfully Submitted,

Michelle Y. Raymond
Historic District Committee Administrative Assistant

Date Revision Approved: 4/13/16

Date and Time Received by Town Clerk's Office
TOWN CLERK
TOWN OF SANDWICH
APR 14 2016
12 H 30 M P M
RECEIVED & RECORDED