

Town of Sandwich

The Oldest Town on Cape Cod



Historic District Committee

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Minutes of a public meeting held on **March 23, 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. Certificate(s) of Appropriateness

16-38 Ken Palmer

New solar panels at 54 Carmen Avenue, located at Map 88, Lot 226. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and, as part of their detail plan packet; Existing Photos, Manufactured Photos, and Site Plan. Present was Trinity Solar Representative, Tim Callahan, who explained the project as listed above. The Committee inquired as to the panel color being blue and asked if black was an option, Mr. Callahan informed the Committee that they will use black panels, as requested. The Committee requested public comment, hearing none; a Motion was made (TB) to accept the project as amended (to use black panels opposed to the proposed blue), Seconded (LH). The motion was passed with a vote of 5-0-0.

16-39 Bryan Klinck

New solar panels at 42 Dillingham Avenue, located at Map 88, Lot 117. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and, as part of their detail plan packet; Existing Photos, Manufactured Photos, and Site Plan. Present was Vivint Solar Representative, David Mortensen, who explained the project as listed above. The Committee inquired as to the panel color being blue and asked if black was an option. Mr. Mortensen informed the Committee black panels are the only color offered by Vivint Solar. The 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.

16-40 Wall Family Realty Trust

Replacement of all deck boards at 69 Salt Marsh Road, located at Map 77, Lot 043. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and Existing Photos. Present was Representative, Timothy Gabes, who explained the project as listed above. The Committee inquired to the material being proposed, Mr. Gabes explained he is proposing azek composite. The 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.

16-41 Dennis/Susan Driscoll

New two story deck at 13 Tupper Avenue, located at Map 93, Lot 088. Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, Elevation, Plot Plan and Existing Photos. Present were owners, Dennis and Susan Driscoll along with Representative of Cotuit Bay Design, Steve Cook, who explained the project as listed above. The Committee inquired to the front elevation not being included on the Elevations Plan, Mr. Cook explained the work being proposed does not affect the front elevation. The Committee commented that in the future, they would like to see all elevations. The Committee asked why the deck was so elevated so high; Mr. Cook responded that the deck would need the support of the wall/eve. The Committee requested public comment, hearing none; a Motion was made (BC) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-42 Juan/Marney Arango

New solar panels at 32 Crowell Road, located at Map 38, Lot 155. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and, as part of their detail plan packet; Existing Photos, Manufactured Photos, and Site Plan. Present was Solar City Representative, Patrick Kilduff, who explained the project as listed above, adding the panels would be on the rear roof of the home and the panels are black. No comments or questions were heard from the Committee or the audience. A Motion was made (TB) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-43 Matthew Beaton

New solar panels at 27 Foster Road, located at Map 69, Lot 006. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and, as part of their detail plan packet; Existing Photos, Manufactured Photos, and Site Plan. Present was Vivint Solar Representative, David Mortensen, who explained the project as listed above, adding that the panels would be placed on both the front and rear roof of the home and that the street was well lined with trees. No comments or questions were heard from the Committee or the audience. A Motion was made (BC) to accept the project as presented, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

16-44 Matthew Beaton

New solar panels at 29 Foster Road, located at Map 77, Lot 016. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and, as part of their detail plan packet; Existing Photos, Manufactured Photos, and Site Plan. Present was Vivint Solar Representative, David Mortensen, who explained the project as listed above. No comments or questions were heard from the Committee or the audience. A Motion was made (TB) to accept the project as presented, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-45 Matthew Anderson

New barn at 241 Route 6A, located at Map 67, Lot 030. A Motion was made (TB) to approve a continuance to the April 13, 2016 meeting, at the applicant's request, via e-mail, Seconded (BC). The motion was passed with a vote of 5-0-0.

16-46 John O'Brien

New solar panels at 21 Knott Avenue, located at Map 93, Lot 064. Documents submitted with application as follows: Application of Certificate of Appropriateness, Building Spec Sheet, Color/Sample Sheet, Statement of Understanding, Certified Abutters List, Representative Designation Form, and, as part of their detail plan packet; Existing Photos, Manufactured Photos, and Site Plan. Present was Trinity Solar Representative, Tim Callahan, who explained the project as listed above. The Committee inquired if the panels would be on the rear roof of the home, Mr. Callahan answered yes. The Committee requested public comment, hearing none; a Motion was made (TB) to accept the project as amended (to use black panels opposed to the proposed blue), Seconded (LH). The motion was passed with a vote of 5-0-0.

16-47D Town of Sandwich

Demolition of rock wall and booth (gristmill) at 130 Main Street, located at Map 73, Lot 156 & 187. A Motion was made (MF) to approve a continuance to the April 13, 2016 meeting, at the applicant's request, via e-mail, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-48RB Town of Sandwich

Rebuild rock wall and booth (gristmill) at 130 Main Street, located at Map 73, Lot 156 & 187. A Motion was made (LH) to approve a continuance to the April 13, 2016 meeting, at the applicant's request, via e-mail, Seconded (TB). The motion was passed with a vote of 5-0-0.

2. Certificate(s) of Appropriateness (continued)

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. Present were Representative, Anne Michniewicz, Attorney, Benjamin Losordo and Design Consultant, Michael Whitmore. . A Motion was made (LH) to close and take under advisement later this evening, Seconded (RC). The Motion was passed with a vote of 5-0-0. (Discussion details below) After further discussion a Motion was made (RC) to continue to the April 27, 2016 meeting, at the applicant's request, Seconded (BC). 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, (drafted-3/9/16, submission of new Landscape Plans), Elevation Plans, Grading & Drainage Plan, Certified Abutters List, Representative Designation Form, and Statement of Understanding. Additional information submitted at tonight's meeting included: Existing Photos, School Plans & Area Calcs., Perspective View, Overhead View, and Site Context & Scale. Present were Representative, Anne Michniewicz, Attorney, Benjamin Losordo and Design Consultant, Michael Whitmore. A Motion was made (RC) to continue to the April 27, 2016 meeting, at the applicant's request, Seconded (BC). The motion was passed with a vote of 5-0-0. (Discussion details below).

Mr. Whitmore informed the Committee that they had no comments and felt that the previous, extensive presentation for Application 16-32D, at the last meeting was sufficient. The Committee commented on the fact that the garage had no historical importance. The Committee requested public comment. Steven and Betty Jones of 206 Route 6A provided comment on their opposition to the proposed placement of the garage due to its unpleasant appearance. Mr. Whitmore explained that the garage would be altered using the same materials as

the existing structures on the site as well as the proposed new building as listed in Application #16-33. Gene Theroux of 207 Route 6A commented that there was no information to show the proposed alterations in this filing and that this filing was for just the demo of the foundation and movement of the existing garage. Amanda Sawyer of Crowell Road inquired on the proposed visible elevation and materials, as she felt the proposed materials were not as existing. Committee Member, Bill Collins commented their observance at a site visit; the foundation appeared to be concrete cinder blocks, in filled and decorated with stones. The Committee questioned Assistant Building Inspector, Brendan Brides as to whether this work would have to be permitted through the Building Department, he responded in the affirmative. Chairperson Foley reminded the Committee of the proposed project is to demolish the existing foundation and move the garage onto a new foundation. After continued Committee discussion, it was suggested to the applicants, to file a Certificate of Appropriateness application for all proposed alterations to the garage, including the foundation. The applicants agreed. The Committee decided to move on Application #16-33. A Motion was made (LH) to close and take under advisement later this evening, Seconded (RC). The Motion was passed with a vote of 5-0-0.

Mr. Whitmore began by addressing some concerns that were proposed at the last meeting (3/9/16) in regards to Application #16-33. Changes, as depicted on the revised plans, will include curb cut and design of the turning radius, appearance of Ox Pasture Way, past the gate way, providing fire department and emergency vehicle access and addressing inquiries in regards to materials proposed. Attorney Losordo spoke in regards to size and features not being considered to immediate surroundings, according to the Act, confirming, by use of photos, that past projects have been approved, when in fact the surroundings were not compared to size and features. Representative Michniewicz commented on a past project for 211 Route 6A, discussed at the meeting of March 9, 2016. She informed the Committee that the approved project included that the square footage, not including outbuildings were comparable to this proposed project. Chairperson Foley summarized the importance of these examples demonstrates past practices and asks that the Committee be cautious and show consistency in their approval process. Committee Member, Lynda Haller asked, "what percentage of the 7 acres parcel(s) will be utilized for all the three structures?" Mr. Whitmore commented, "2%." Committee Member, Terry Blake commented that the percentage is erroneous, as part of the land is already under prior policy (agricultural and conservation) and because of that the only developable land is the 30,000 sq. ft. property and the 2.11 acres. Committee Member, Rich Claytor commented on the proposed entrance improvements, reminding them, at the last meeting, he was hoping they could preserve the historic look of the entrance and not have it appear as a residential driveway. Mr. Claytor added that with the new proposed materials, he feels as though it won't have that historic/older look. He added that he feels the new building and the barn are much bigger in context with the historic district.

Chairperson Foley informed the public she would allow 4 minutes per/individual for public comment. Attorney, Brian Wall, representing Gene Theroux of 206 Route 6A, commented on preserving the historic setting and defined the immediate surroundings. He displayed photos of many nearby properties, comparing their smaller size to the proposed project. As at the past meeting, he asked that the Committee deny granting a Certificate of Appropriateness. Abutter, Steven Jones shared his support for Mr. Wall's presentation; he added his distaste for the proposed project in regards to its size and incongruity. Resident, Candy Carver shared her concerns regarding the allowance of future development and wanted clarification to volume vs. square footage. Mr. Whitmore explained the volume, while being on the larger side, is compatible to other structures within the district. Ms. Carver felt as though her question was not answered in regards to allowance of future development, comparing this project Riverview School. Chairperson Foley reminded Ms. Carver that they would have to come before the Committee to prevent or allow any future development. Mr. Losordo added that the Cape Cod Commission (CCC) has a threshold of 10,000 square feet, and they require that square footage to include uninhabitable space. Jonathan Fitch of Great Island Road expressed his opposition of the project due its appearance and size. Amanda Sawyer asked if there would be a need for extra emergency egresses, as this is a classroom. Mr. Whitmore confirmed there was not a need for extra egresses. Ms. Sawyer added her dislike to the proposed view while driving by the property; she also shared her support for Attorney Wall's comments.

Judith Stainbrook commented on her opposition to the project due to its size and incompatibility of this project. At approximately 9:05 pm, Chairperson Foley asked for a 5 minute recess. The Committee reconvened at approximately 9:20 pm. Attorney Losordo urged the Committee to steer away from the 'usage' of the building, which seems to be a great concern to the public in regards to their comments. He stressed the importance of the Committee staying within their purview, which is to consider the exterior appearance of the structures. Attorney Losordo reminded the Committee of the many modifications made to the originally proposed project, filed previously and withdrawn without prejudice, at the requests of the Committee as well as the concerned residents. Representative, Anne Michniewicz commented on the newly designed building and its likeness to many proposed buildings she has brought before and approved by the Committee in the past. She commented on the consistency of the Committee in regard to reviewing and approving projects. Mr. Whitmore commented on lighting, which will keep with residential lighting opposed to commercial lighting.

Chairperson Foley asked each member for any questions/comments, Member, Terry Blake inquired to the decking on the existing house and if plans were submitted, she was reminded that the application was approved and closed at the last meeting. Attorney Wall inquired to Application #16-32D being continued, so that the request from the Committee, for the applicant to file a COA for the alterations/move of the garage is heard together at the same meeting. Chairperson Foley confirmed that she would suggest that to the applicants.

Committee Member, Richard Claytor spoke of a previous request from the public to request input from Cape Cod Commission. Committee Member, Terry Blake spoke of the CCC's process. Committee Member, Bill Collins expressed his opposition to calling in the CCC as these decisions in accordance with The Act are to be made by the local committees of Old King's Highway. Attorney Losordo explained that the CCC had already reviewed the parcel of land (Ox Pasture Way to Great Island Road) and found no significant cultural asset, and added that he doesn't feel the Committee would get anything more by going before the CCC now. Chairperson Foley reaffirmed the Committee's request to have the applicant file for a COA for the alterations/move of the garage. The applicant's agreed. Chairperson Foley also stated that she felt as though enough information had been presented for Application #'s 16-32D and 16-33 and commented that it would not be necessary when hearing the new COA, to present again. A Motion was made (RC) to continue to the April 27, 2016 meeting, at the applicant's request, Seconded (BC). The motion was passed with a vote of 5-0-0.

3. Exemption

16-07EX Elizabeth Goldberg

Solar panels installed on rear of roof, to meet the exemption qualification; project is not visible from a public way or place, as included in the OKHRHDC bulletin at 18 Dexter Avenue, located at Map 88, Lot 276. Documents submitted with application as follows: Application of Certificate of Exemption, Photos (demonstrating lack of visibility from a public way). After Committee review and no questions, a Motion was made (BC) to accept the project as an Exemption, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-08EX Gene Hanley

Build new sunroom addition and deck in rear of home, to meet the exemption qualification; project is not visible from a public way or place, as included in the OKHRHDC bulletin at 8 Pine Street, located at Map 72, Lot 019. Documents submitted with application as follows: Application of Certificate of Exemption, Photos (demonstrating lack of visibility from a public way). After Committee review and no questions, a Motion was made (RC) to accept the project as an Exemption, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-09EX Paul and Heather Siekman

New shed, to meet the exemption qualification as included in the OKHRHDC bulletin: 3:04: Exemptions; (g) Sheds (page 25) at 6 Surrey Lane, located at Map 39, Lot 68. Documents submitted with application as follows: Application of Certificate of Exemption, Shed Spec. Sheet (demonstrating compliance with the exemption qualifications as listed in the OKHRHDC

bulletin). After Committee review and no questions, a Motion was made (BC) to accept the project as an Exemption, Seconded (LH). The motion was passed with a vote of 5-0-0.

16-10EX Joseph/Margaret O'Malley

New foundation to create basement elevation to remain the same, window wells in the rear of the home, to meet the exemption qualification; project is not visible from a public way or place, as included in the OKHRHDC bulletin at 35 Dexter Avenue, located at Map 88, Lot 34.

Documents submitted with application as follows: Application of Certificate of Exemption, Photos (demonstrating lack of visibility from a public way). After Committee review and no questions, a Motion was made (RC) to accept the project as an Exemption, Seconded (LH). The motion was passed with a vote of 5-0-0.

4. Other Business

Committee consideration for recommendation, to the Board Of Selectmen, an Architect/Builder Member, appointed annually. Chairperson Foley asked that this item be continued, as it was late in the evening and more business needed to be attended to. Committee Member, Rich Claytor excused himself for the evening. Chairperson Foley asked if he would stay for the approval of the minutes, he agreed.

5. Minutes

Approval of the February 10, 2016 Historic District Committee Meeting minutes. A Motion was made (LH) to approve the minutes of the 2/10/16 meeting, Seconded (BC), Abstained (TB) and (RC). The motion was passed with a vote of 3-0-2

Approval of the February 24, 2016 Historic District Committee Meeting minutes. A Motion was made (BC) to approve the minutes of the 2/24/16 meeting, Seconded (LH), Abstained (TB) and (RC). The motion was passed with a vote of 3-0-2

Approval of the March 9, 2016 Historic District Committee Meeting minutes. A Motion was made (RC) to approve the minutes of the 3/9/16 meeting, Seconded (LH), Abstained (TB). The motion was passed with a vote of 4-0-1.

(4). Other Business (continued)

Chairperson Foley commented briefly on the decision of the Old King's Highway Regional District Historical Commission regarding two appeals filed against Application #16-19 (67 Grove Street for stone walls, stairs and lighting) on March 22, 2016. She explained that the Commission remanded the application back to the Committee, adding the Committee will discuss further, but at a later date.

Committee Member Rich Claytor excused himself from the meeting at approximately 10:05 pm.

Chairperson Foley acknowledged an Open Meeting Law Complaint amendment from Erin Sullivan, dated and received March 9, 2016, concerning an alleged violation of the Open Meeting Law. This is an amendment to Open Meeting Law Complaint from Erin Sullivan, received February 24, 2016 in regards to the February 10, 2016 meeting. Chairperson Foley explained that at our last meeting, the Committee approved the response to the original Complaint. She read the amendment into the record and summarized the response, which simply stated that the alleged complaint was not an OML concern or violation, and OML deals with process for the conduct of public meetings, not what is or is not filed with the application. A Motion was made (BC) accept the response, Seconded (LH), Opposed (TB). The Motion was passed with a vote of 3-1-0.

Chairperson Foley acknowledged an Open Meeting Law Complaint from Judith Stainbrook, dated March 2, 2016 and received March 3, 2016, concerning an alleged violation of the Open Meeting Law. Chairperson Foley also acknowledged an extension request dated March 7, 2016 and accepted by the Attorney General on March 9, 2016. She read the complaint and prepared response into the record. A motion was made, (BC) to accept the response, Seconded (LH), Opposed (TB). The motion was passed with a vote of 3-1-0. Committee Member, Terry Blake commented that the public has the right to participate in the hearing, as written in the Statute that creates the Old King's Highway Act and further shared her concern that because it differs from the OML that the Old King's Highway Attorney be contacted for clarification. Chairperson Foley asked that they follow the advice of Town Counsel as the complaint was filed as an OML Complaint and needs to be responded to as such.

Chairperson Foley reminded the Committee to respond to the Administrative Assistant in regards to scheduling a site visit, as requested at the last meeting, when NRG met with Committee informally proposing a new solar array at 1 & 0 Route 6A. The Administrative Assistant informed the Committee that NRG had filed an application and is on the April 13, 2016 agenda.

5. Adjournment

A Motion was made (BC) to adjourn at 10:22 pm – Seconded (LH). The Motion was passed with a vote of 4-0-0.

Respectfully Submitted,



Michelle Y. Raymond
Historic District Committee Administrative Assistant

Date Approved: _____

4/13/16

Date and Time Received by Town
Clerk's Office

TOWN CLERK
TOWN OF SANDWICH

APR 14 2016

12H 30M 8M
RECEIVED & RECORDED