



PLANNING BOARD

16 Jan Sebastian Drive, Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@townofsandwich.net

FINAL COPY

MINUTES
April 19, 2016

TOWN CLERK
TOWN OF SANDWICH

MAY 18 2016

12 H 10 M P MS
RECEIVED & RECORDED

7:02pm

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

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

Also Present: Blair Haney, Director, Planning and Economic Development, Josh Peters, Asst. Town Planner, and Sam Jensen, Asst. Town Engineer

Approval of Minutes

Mr. King motioned to accept the minutes April 5, 2016 as written. Mr. Vaudo seconded. The vote was unanimous.

Submission of New Plans

No new plans were submitted.

Deliberation

Atkins Road Definitive Cluster Subdivision

Cluster Special Permit

Monomoy Properties LLC

Ms. Regan read the first page of the decision, the procedural history and the findings. There was no discussion and the vote to approve the findings was unanimous. Mr. Peters had added condition 3c to the draft before the meeting regarding the drainage system piping being revised as recommended by the Town Engineer. Mr. King wondered about the access gate to conservation land. Mr. Peters informed him that it is covered under the Special Permit decision. Mr. Burbank asked when the Board was going to look at whether the project was going to be accepted at all or not. Ms. Regan said that would come after the waiver vote. Mr. Burbank questioned why any discussion before knowing if the project was going to pass or not. There was more discussion regarding:

- Having an updated plan before the Board – will come in for signing after changes made to comply with conditions imposed
- Crystal clear proof that there was a legal right of way over Marie Lane – provided by applicant back on March 9, 2016 – recorded subdivision plan 9/3/1980
- How can Board insure that conditions of the decision will be met – many checks in place such as lot releases and building permits that will not be issued if conditions are not met
- Condition 7 was added to insure that no clearing or construction would commence without the water utility permit being in hand as outlined in Condition 6

Four Board members voted in favor of the conditions with two voting against the conditions.

The Board then looked at the requested waivers. After discussing each one, the motion was made to approve waivers #1 (proposed street numbers) and #3 (dead end street requirements) and deny #2 (showing location of all existing trees). This waiver refers to Subdivision Rules and Regulations 3.C.2.v and 3.C.2. (w)(2). The Board wants to know what trees are coming down. Mr. Burbank wanted to make

sure that the Tree Warden is involved in any tree removal decision. Three members voted in favor of the motion on the waivers and three members voted against.

The Board next discussed approval/denial of the definitive plan. Mr. Burbank asked what the options were for the developer if subdivision is turned down? There is an appeal period from the date the decision is stamped in at the Town Clerk's office. He then wondered if the applicant would be better off withdrawing the application without prejudice. Ms. Regan explained that the public hearing was closed and the Board is in the process of voting on the application. Mr. King asked why this was being brought up now? Many meetings have been held, the conditions have been voted on and approved, and it seems that the application has legally met the necessary standards for approval. What conditions do you want to see or what waivers are not legal? If nothing is legally wrong, then the Board must vote to approve the subdivision. Mr. Burbank then quoted the Objective of a Cluster Development, Section 4410 of the Town of Sandwich Protective Zoning By-laws. He then gave his opinion that there are no walls depicted anywhere on the plans which he believes indicated that the developer will grade out the site and the soil is not suitable for that to happen. The land will be scarred. He personally does not believe that the Town needs any more single family homes. He mentioned multiple family housing needs. He feels that two or three lots will be sold, and then buyers will realize there is little privacy and not buy. In his opinion this is not a well planned development, period. Two members voted in favor of the subdivision and four members voted against it. The Atkins Road definitive subdivision was denied. There was no action taken on the Cluster Plan Special Permit by the Planning Board. The decision, findings, and conditions are on file in the Planning and Development office.

Preliminary Plan
311 Cotuit Road
Aubuchon Realty

Ms. Regan read the following comment letters into the record:

- Sandwich Fire Department, Donald Campbell, Fire Prevention Officer, letter dated April 13, 2016
- David J. DeConto, Asst. Director of Natural Resources, letter dated April 4, 2016
- Daniel Mahoney, Superintendent, Sandwich Water District, letter dated April 8, 2016

She asked to have Sam Jensen, Asst. Town Engineer, review his memo dated April 19, 2016 with the Board later in the discussion.

Mr. Robert Bersin, Engineer, Green Seal Environmental, and Christopher Bailey were present for the applicant. Mr. Bersin reviewed the project for the Board. The plan went before the Site Plan Review committee in February. Mr. Bersin presented two plans to the Board under Board Discussion in March. The plan that is before the Board is the one that they preferred at the March meeting. The proposal is to subdivide two parcels and create three parcels. Frontage for the southerly parcel and the rear parcel will be on the proposed roadway. The third parcel will continue to have frontage off Cotuit Road. Mr. Torrey asked what the frontage on Cotuit is and was told 150' – 152'. Mr. Bersin noted that test pits for septic system have been done, and there is some flooding out front due to clogged catch basins which needs to be addressed. Under the Preliminary drainage plan submitted, nothing leaves the site. Mr. Burbank noted that the landscaping plan calls for really cheap plants 0 choke cherry and arborvitae which do not have a good survival ability. He suggested red juniper and "rhodies" instead.

Mr. Jensen was then asked to review his memo and comments with the Board.

- Proposed entrance on Cotuit Road will be located approximately 320' and 215' from adjacent commercial driveways – 250' required under zoning bylaws – would create a non-conformity for one or both driveways. Close proximity of entrances might impact traffic safety on Cotuit Road. Suggested a possibility of internal connections between new lots and abutting properties – Engineering Dept. would like a commitment from the applicant to do this
- Proposed street does not meet Collector standards – waiver required as proposed

- Dead-end road exceeding 500' without cul-de-sac – waiver required as proposed
- Street sidelines are to be cut back with a radius of 30' at intersections – currently truncates at Cotuit Road
- Road profile grades shall not be less than 1%
- Access easement should be provided across Lot 2 to connect existing access easement on Lot 1 with proposed road - everything should line up on the plan
- Drainage calculations should be provided
- Subsurface drainage systems susceptible to clogging and early failure – recommend an open surface system
- Provide sidewalks along proposed road to Cotuit Road
- Because proposed lots may not conform to current zoning, relief may be needed to obtain building permits – the lot shape factor might be an issue

The Board discussed catch basins, sidewalk to Cotuit Road, location of the septic system for the new building, which will go in the back, closeness of the curb cuts, necessity of a traffic study which is a requirement for the Definitive Plan, cooperation between Aubuchon and the abutting properties for a walkway, possibly having the road go down to Thom's Way, access easement vs subdivision road, and necessary space for adequate parking.

Ms. Regan opened the meeting for public comment even though this was not a public hearing. Lisa Golfomitsos, 2 Marie Lane, would like to see what could be done to mitigate traffic. She used to have a business in the area and traffic was a big problem. Mr. King noted that parking is already a problem and there is no business in there!

Mr. Torrey moved that the Board approve the Preliminary Plan for Aubuchon Realty with two modifications: 1. Recommendations in the Engineering memo dated April 19, 2016 and 2. 500' Dead-end and access road discussion. Mr. King seconded. The vote was unanimous.

Board Discussion

Comments for the Zoning Board of Appeals

After a brief discussion, the Board has no comment on either the Special Permit #16-05, 12 Tabor Road or Special Permit #16-06 420 Quaker Meetinghouse Road.

Scenic Road Discussion

Carlo DiPersio

Mr. DiPersio is concerned that Sandwich is losing its grip on Scenic Roads and would like to see the Planning Board have more say over the Scenic Roads – that's his goal tonight. Mr. DiPersio brought his concern about Heritage Plantation of Sandwich's application for a curb cut on Shawme Road before the Board. He reviewed the Scenic Road By-Law for the Town of Sandwich. He prepared several handouts for the Board and referred to the pictures indicating erosion. He wants the Planning Board to act before the Town loses an historic road. He told the Board that they have a right to write a letter to Heritage asking for a Traffic study and an Engineering study before the curb cuts can be issued. Mr. DiPersio believes progress is great but so is preservation. Ms. Caron asked if the curb cut would come before the Planning Board and Ms. Regan said that the criteria for coming before the Planning Board were not met. Mr. DiPersio referenced the curb cut referenced the need for a Scenic Road permit before the permit can be issued. Mr. Haney explained that this was more of a procedural note than a requirement. Mr. Jensen indicated that under the Town By-Law there is no trigger to appear before the Planning Board. Mr. Burbank noted that the Board of Selectmen have approved transplanting holly bushes. There are major concerns regarding the scenic roads in Sandwich – not just about the Heritage project; there is a need to separate the two. Lisa Golfomitsos, 2 Marie Lane, encouraged the Board to preserve the scenic roads in Sandwich. Erin Sullivan, 7 Jonathan Lane, read a letter to the

Board. She expressed concern about legal comments from Town Counsel. Joyce Bronstein, 37Crestview Drive, is against people putting things on land that should remain green. Ms. Caron is in favor of Town Counsel providing information regarding scenic road so that the Board can be educated. Don Stainbrook, 2 Faunce Mountain Road, read a letter to the Board with attachments of his submission to the Planning Board May 19, 2015, a letter to the Sandwich Enterprise supporting the Board's decision on Heritage's application for additional parking which was posted June 18, 2015, and a December 2015 presentation to the Board of Selectmen. He would like the Planning Board to insist that Heritage comply with the by-laws and rules and regulations of Sandwich. His also listed his objections to the proposed parking along Shawme Road. Judy Stainbrook, 2 Faunce Mountain Road, Thanked the Board for listening to the residents and applying the rules and regulations of the Town to everyone. Mr. King would like to see the Planning Board recraft the zoning y-laws. Natalie Smith, 4 Crestview Drive Extension, commented on Town Counsel telling the Board their only responsibility involves trees or walls. Mr. Haney explained that Town Counsel brings clarity to issues before the Boards. Mr. King mentioned the contradictions that he sees. Dean Coe, 32 Pine Street, sees the situation as being at the 11th hour and Heritage will take immediate action if the Historic Board approves the application. Mr. King expressed concern about traffic turning left and ruining a scenic road. Mr. King would like to see the Scenic Road By-Law on an agenda for the Planning Board.

Mr. Vaudo made a motion to adjourn the meeting. Mr. King seconded. The vote was unanimous. The meeting adjourned at 10:56pm.

Respectfully submitted,

Marilyn K. Bassett