Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

PLANNING BOARD
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MINUTES
July 19, 2016

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7:02pm
Upstairs Meeting Room
Human Services Building,
270 Quaker Meetinghouse Road

Present: Sarah Regan, Chair, Lori Caron, Vice Chair, Thomas Lynch, Scott Torrey and Robert King
Absent: Joseph Vaudo and Matthew Cubetus
Also Present: Blair Haney, Director, Planning and Economic Development, Josh Peters, Asst. Town Planner, Samuel Jensen, Asst. Town Engineer and Justin O'Connor, Tree Warden

Approval of Minutes

Ms. Caron motioned to accept the minutes from July 5, 2016 as written. Mr. King seconded. The vote was unanimous.

Submission of New Plans

No new plans were submitted.

Aubuchon Realty Co. Inc.
Definitive Subdivision
311 Cotuit Road

Mr. Greg Wirsen and Mr. Bob Birsen from Green Seal Environmental were present. Mr. Wirsen explained to the Board that they had hired McMahon Associates, a traffic engineering firm, to complete a traffic study at the proposed location of the definitive subdivision. McMahon had submitted a final revision to the study the afternoon of the Planning Board meeting and had been in contact with Mr. Jensen that afternoon to address remaining concerns with the Engineering Department. Because it is not yet known what type of businesses will be occupying the subdivision, McMahon used two different methods for calculating the trip generation. The first was to call the proposed subdivision a "Shopping Center" and the second was to call it a "Specialty Retail Use" area, both of which gave a higher than average trip generation. The traffic report looked at the proposed road widths, ingress and egress, proposed waivers and easements and concurred that the planned width and patterns of roadways was satisfactory. The report did not take into consideration "pass-by" trips which are when traffic is merely passing through the retail area and not stopping at one of the businesses. Green Seal Environmental also presented its most recent plan of the definitive subdivision that had been completed prior to the meeting. The Planning & Development office and Engineering had not received these plans prior to the meeting, but the revised sheets addressed many of the concerns that were touched upon by Mr. Jensen at the meeting on July 5, 2016. The revised plans showed the lots without the proposed buildings and added all the easements. Green Seal provided a revised list of waivers and an Operation and Maintenance plan on July 8, 2016, both of which were requested by the Board at the previous meeting. Mr. Jensen walked the Board through his memo dated July 15, 2016. He suggested the Board condition the inspection of drainage components into its decision and recommends this be shown on the "as built" and done early in the construction process. He would like the Operation & Maintenance plan to be more specific with regards to who will be responsible for inspections and maintenance of roads and drainage and that inspections and maintenance of the retention basins and grass swale be addressed. Mr. Jensen also questioned ADA compliant wheelchair ramps and believes there a few more things to work out. He said the traffic report was right in line with what he had requested, but believes the trip numbers are on the conservative side. There could be more substantial

traffic. He would like the Board to condition into their decision that the traffic study should be revisited once building permits are sought. The uses of the proposed buildings will greatly affect traffic. Mr. Wirsen agreed and they will revisit once the use of the buildings is decided. Ms. Caron asked Mr. Jensen if the applicant had addressed all of his substantial comments and he replied, "Yes". Mr. Torrey questioned what looked like a hammerhead turn around on the Plan. Mr. Wirsen explained this was actually a loop that was depicted based on the traffic report. Mr. Jensen said that it is not a circular turn around, but it demonstrates that emergency access is feasible.

Ms. Regan opened the hearing for public comment. There was none. Mr. King made a motion to close the Public Hearing for the Aubuchon Realty Co. Inc. Definitive Subdivision. Ms. Caron seconded. The vote was unanimous.

Deliberation - Aubuchon Realty Co. Inc
Definitive Subdivision
311 Cotuit Road
The Board reviewed and discussed Aubuchon Realty Co. Inc. Definitive Subdivision Plan. The Board voted unanimously to approve the Definitive Plan. The decisions, findings and conditions are on file in the Planning and Development Office.

Spaulding Rehab Hospital/GE Solar
Solar Special Permit
311 Service Road
Matthew DiNisco was present from GE Solar. He explained to the Board that the plans for the solar array have not changed, but that since the last meeting, he did provide a revised Operation and Maintenance Plan. This plan adheres to establishing vegetation and explains that there will be monthly maintenance to control storm water runoff. Mr. Jensen walked the Board through his memo dated July 18, 2016. His main concern with the O&M Plan is that he would like the establishment of vegetation spelled out more clearly. He recommends the Board put in the conditions that vegetation be established within one year. Mr. DiNisco believes construction will begin in the fall and that the one year deadline is very doable. Mr. King asked about the distance of the site from the Service Road and Mr. DiNisco said it's about 130 feet. Ms. Regan told Mr. King that the site will be heavily screened from the Service Road. Mr. Torrey asked about fire access. Mr. DiNisco explained that the fire prevention officer requested two access gates around the array. One gate currently exists, so GE Solar will tie their fence into that gate and add an additional gate to allow for proper emergency access.

Ms. Regan opened the hearing for public comment. There was none. Mr. King made a motion to close the Public Hearing for a Special Permit for GE Solar at 311 Service Road. Ms. Caron seconded. The vote was unanimous.

Deliberation – Spaulding Rehab Hospital/GE Solar
Solar Special Permit
311 Service Road
The Board reviewed and discussed the Special Permit application made by GE Solar for the installation of a solar photovoltaic array at 311 Service Road. The Board voted unanimously to approve the Solar Special Permit. The decisions, findings and conditions are on file in the Planning and Development Office.

Forestdale Church Trustees
Scenic Road Permit
110 Route 130
Mr. Bruce Hanlon and Mr. Chris Lerch from the Forestdale Church were present. Mr. O'Connor had been out to the site and looked at the Oak tree from many different angles. It's a 29" caliper tree that offers significant shade across Route 130. He did say that upon exiting the church parking lot, it was

difficult to look left to see oncoming traffic, but overall the tree is in good health and has good structure. He looked at estimates for replacing the tree if it were to come down he said prices vary. Right now it's harder to find nursery products, but a conservative estimate would be that the church would have to reimburse the Town of Sandwich approximately $5000 for the tree and this doesn't even include the removal of the tree by an arborist. Ms. Regan read a letter from the Forestdale Church into record. According to the Church, this tree has become a safety issue for its congregants. Mr. King asked if there was any way they could reconfigure their driveway in order to save the tree. He would like for them to look at other ways to alleviate the problem because removing the tree would affect the canopy over the scenic road. It would also change the character and beauty of the Church. Ms. Caron suggested having a crossing guard on Sunday's to aid in directing traffic. Ms. Regan wondered if the future widening of Rt. 130 near the Cape Crossing development would end up slowing traffic down. Mr. Lynch asked Mr. O'Connor if the tree has begun to damage the road and he replied that it hasn't. It's only buckled the sidewalk in a few places. Overall, the Board understands that it's a safety issue, but would like to see the Church and its congregants work together to try and come up with another solution. Ms. Regan also suggested contacting the town during the winter in hopes of having the plow drivers divert the snow from piling in front of the tree.

Ms. Regan opened the hearing for public comment. There was none. Mr. King made a motion to close the Public Hearing for a Scenic Road permit at 110 Route 130. Ms. Caron seconded. The vote was unanimous.

Deliberation-Forestdale Church Trustees
Scenic Road Permit
110 Route 130

The Board reviewed and discussed the Scenic Road Permit application made by Forestdale Church Trustees for the removal of one oak tree directly in front of the church at 110 Route 130. The Board voted unanimously to deny without prejudice the Scenic Road Permit. The decision is on file in the Planning & Development Office.

Gully Lane – Town of Sandwich
Scenic Road Permit

Ms. Regan read the Public Hearing notice into record. Mr. Jensen reviewed his memo with the Board. The request for the removal of trees along Gully Lane is part of a resurfacing project on the road. The trees and vegetation that have been identified for removal are creating some safety issues. Twenty-two trees have been identified and some trees have started to buckle the pavement. They are also growing over drainage pits and blocking culverts. The DPW would like to clean up the street in order for drainage to work properly. Eversource has already come through and removed six trees. Drainage is on one side of the street and power is on the other so adjustments will need to be made in regards to replanting trees. Mr. King asked if there were any significant trees. Mr. O'Connor said there are none that are significant. Many are diseased and the majority of the vegetation being removed is poison ivy and bittersweet. Mr. Torrey asked Mr. O'Connor if he would replace some of these trees with new trees in locations around town and Mr. O'Connor said he has identified several spots where he would like to plant replacement trees. Mr. O'Connor said Gully Lane needs a makeover.

Ms. Regan opened the hearing for public comment. The following abutters spoke:

- Ellen Haystack, 35 Gully Lane, is in favor of the project. The road has never really been maintained and she sees this as a positive to everyone that lives on the street.
- Kristin Garfield, 5 Mary Leal Lane, is also in favor. She is very happy the town is going to improve the street and make it more beautiful and safe and she appreciates the support of the Town.

Mr. King made a motion to close the Public Hearing for a Scenic Road Permit along Gully Lane. Ms. Caron seconded. The vote was unanimous.

Deliberation-Gully Lane
Scenic Road Permit
The Board reviewed and discussed the Scenic Road application made by the Town of Sandwich for the removal and replanting of trees along Gully Lane. The Board voted unanimously to approve the Scenic Road Permit. The decision is on file in the Planning & Development Office.

Board Discussion
Scenic Roads
Mr. O'Connor discussed with the Board the removal of three pitch pine trees along Grove Street near Heritage that are in decline and creating a hazard. He brought up the section of tree that recently came down in front of the Dan'l Webster Inn without any wind or storm. It was ant ridden and hollowed out. It's part of his job to identify these trees that are presenting a safety issue. Mr. Lynch asked what had changed since the Board denied Heritage's application to remove one of those trees? Mr. O'Connor said that the tree is now infested with turpentine beetles. Mr. King said maybe it would be wise, since this area of town is dealing with contentious issues regarding Heritage, to remove the two trees that are dead and wait to remove the third one until it is completely decayed to avoid any more issues. Ms. Regan reminded Mr. King that Mr. O'Connor is not there for their opinion, but out of courtesy.

Ms. Regan then read a letter from Judy Stainbrook regarding the curb cuts Heritage made for their new parking lot. A lengthy conversation ensued regarding changes made on Scenic Roads and who holds the authority to approve changes. Mr. King reiterated his standpoint that the Planning Board should be able to regulate all issues on a scenic road, not just instances where changes affect trees and stonewalls. Mr. Haney told the Board that he reached out to all the Cape Town planners and most follow MGL. He then posed the question on a Planner's discussion board and had no hits using the term "scenic roads", but got two responses using the term "historic roads". One being in Westin, MA with regards to houses over 6,000 square feet. He has yet to find anything for the Planning Board to draw from. Mr. King would like to try and find a way to change the Scenic Road Bylaws so that any change done on a designated Scenic Road would have to go before a regulatory board. He thinks maybe changing the term from "Scenic Road" to "Historic Road" would be beneficial. Ms. Caron would like the Town By-Law wording changed and suggested the Planning Board write a letter to the Board of Selectman.

Mr. King made a motion to adjourn. Mr. Caron seconded. The vote was unanimous. The meeting adjourned at 9:29 p.m.

Respectfully Submitted,

Laura C. Watts

Supporting Documents:

1. Plans for Aubuchon Realty Inc. Definitive Subdivision, prepared by Green Seal Environmental, dated July 2016 (10 pages)
2. Memo from Samuel Jensen, Assistant Town Engineer, regarding Aubuchon Definitive Subdivision, dated July 15, 2016 (5 pages)
3. Letter from Robert Bersin, PE Green Seal Environmental, regarding definitive subdivision submittal (waiver requests), dated July 7, 2016 (4 pages)
4. Letter from Robert Bersin, PE Green Seal Environmental, regarding definitive subdivision submittal (Operation & Maintenance Plan), dated July 7, 2016 (3 pages)
5. Traffic Assessment for Aubuchon Definitive Subdivision, McMahon Associates, dated July 19, 2016 (9 pages)

6. Memo from Samuel Jensen, Assistant Town Engineer, GE Solar special permit, dated July 18, 2016 (1 page)
7. Operation & Maintenance Plan, GE Solar special permit, received July 14, 2016 (4 pages)
8. Technical Documents, GE Solar special permit, received July 14, 2016 (15 pages)
9. Insurance Documents, GE Solar special permit, received July 14, 2016 (5 pages)
10. Tree Loss Appraisal Report, Forestdale Church Scenic Road Permit, dated December 29, 2010 (1 page)
11. Pictures provided by Forestdale Church Trustees, received June 27, 2016 (2 pages)
12. Letter from Forestdale Church to the Planning Board, dated June 27, 2016 (1 page)
13. Memo from Samuel Jensen, Assistant Town Engineer, Gully Lane Scenic Road Permit, dated July 18, 2016 (1 Page)
14. Pictures of Gully Lane trees, provided by Engineering Department, received July 18, 2016 (9 pages)
15. Plan entitled "Gully Lane Scenic Road Permit Application", dated July 7, 2016 (2 pages)
16. Trees proposed to be removed/replaced, Gully Lane, dated July 14, 2016 (1 page)
17. Pictures of Trees to be removed on Grove St., Justin O'Connor, Tree Warden, dated June 7, 2016 (3 pages)
18. Letter and supporting documentation from Judy Stainbrook, regarding Scenic Road work, dated July 14, 2016 (6 pages)