Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

PLANNING BOARD
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September 20, 2016

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7:00pm
Upstairs Meeting Room
Human Services Building,
270 Quaker Meetinghouse Road

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

Approval of Minutes
Mr. King motioned to accept the minutes from August 2, 2016 as written. Ms. Caron seconded. The vote was unanimous.

Submission of New Plans
No new plans were submitted.

Board Discussion

- **John Ewer Road – Tree Removal**
  Mr. O'Connor came before the Board as a courtesy to inform them about a tree on John Ewer Road. A resident had called him to let him know there was a dead branch hanging over the road. Mr. O'Connor did an inspection and determined the tree was dead and needed to be removed due to safety concerns. Since John Ewer Road is a Scenic Road, Mr. O'Connor is obligated to inform the Planning Board of his decision.
- **Harlow Road – Tree Violation**
  Mr. O'Connor also brought up a tree was the illegally taken down on Harlow Road. He explained he had been contacted about a year ago by the homeowner inquiring about the process of taking down a tree on a Scenic Road. Mr. O'Connor explained the process of filling out a Scenic Road Application and the need to go in front of the Planning Board. Recently, Mr. O'Connor was on the street and noticed the tree was gone. Mr. King asked if this person should be assessed for the removal and replacement of the tree. Mr. O'Connor said this is something that he and Mr. Haney have been discussing. He found out from the Police Department that he (acting as the Tree Warden) needs to do the enforcing. Mr. Haney explained that in the Scenic Road By-Law a fine of not more than $300 can be assessed for the removal of a tree and a fine of not more than $500 can be assessed for the removal of a public shade tree. He went on to explain that the homeowner should now come before the Board retroactively so the Board can define the cost to replace the tree. Ms. Regan asked who should enforce the homeowner to actively come before the Board. Mr. O'Connor believes the Planning Board should prepare the application and enforce. Mr. King believes they need to follow the process because the Tree Warden informed them what to do. Mr. Haney said he would draft a letter and issue a fine to the homeowner and the Board agreed. Mr. Torrey believes the fine needs to be stiff enough to deter people from taking down trees on Scenic Roads without following proper protocol.

- **22 Quaker Road – Notice of Intent**
  Mr. Haney explained a letter the Planning Board received on September 1, 2016 regarding property at 22 Quaker Road. The property has been classified under the provisions of Chapter 61A as it was used agriculturally. He explained that under §14 of Chapter 61A, the town has the right of first refusal once the property goes up for sale. In this case, the Town didn't have an interest in buying the property. The property is now being sold and it is required that the seller notify certain Boards in Sandwich, the Planning Board being one of them.
- **ZBA Variance #16-16 – 24 Weeks Pond Drive**
  After a brief discussion about the history of the project, the Board did not have any comments for the Board of Appeals.
- **ZBA Special Permit #16-17 – 29 Farmersville Road**
  After a brief discussion about the history of the project and the definition of a "personal kennel", the Board did not have any comments for the Board of Appeals.
- **Letter from Selectman re: Monomoy Properties LLC**
  Mr. Haney distributed a letter from the Selectman discussing the Board's decision on the proposed Atkins Road Subdivision. An Executive Session will be held in October to discuss mitigation.
- **Ox Pasture Road**
  Atty. Losordo was not present for the meeting, but several abutting neighbors attended and expressed their concern over the JRI project and improvements that have been proposed for Ox Pasture Road. Mr. and Mrs. Jones, 212 Route 6A, strongly urged the Board to notify abutters if any plans regarding this matter come before the Planning Board. They feel very strongly about this project and have a lot at stake. There's a lot of opposition over this project which is currently in Barnstable Court due to an appeal that was filed over the Historic Commission's decision. They asked if a Public Hearing would be required for anything done to Ox Pasture Road and Mr. King responded "Yes." Mr. Jensen said the purpose for which they are after will determine who is notified and Mr. King said it would be wise to continue checking the Planning Board agenda to see if Atty. Losordo will be before the Board. Eugene Theroux, 207 Route 6A, was also present. He urged the Board to review Section 5.S.9 in the Subdivision Rules & Regulations regarding Ancient Ways. He questioned what "ownership in the way" means and questioned how to protect Ancient Ways in Sandwich.

Mr. Torrey made a motion to adjourn. Mr. King seconded. The vote was unanimous. The meeting adjourned at 8:03 p.m.

Respectfully Submitted,

LCWatts

Laura C. Watts

Supporting Documents:

1. Email from Justin O'Connor regarding John Ewer tree, dated August 22, 2016 (1 page)
2. Letter of intent to sell property at 22 Quaker Road from John W. Ahonen, received September 1, 2016 (1 page)
3. Letter from Board of Selectman regarding Monomoy Properties LLC, dated August 2, 2016 (2 pages)
4. Variance Application #16-16 for 24 Weeks Pond Drive, received August 23, 2016 (10 pages)
5. Special Permit Application #16-17 for 29 Farmersville Road, received August 23, 2016 (5 pages)