MINUTES
July 7, 2020

7:10 p.m.
Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA & via Remote Participation Software

Present via ZOOM: Robert King, Chair; Matthew Cubetus, Vice Chair; Jeffrey Picard; David Darling; Jennifer Reisig; James Kalweit; and Mark Callahan
Also Present via ZOOM: Ralph Vitacco, Director, Planning & Development; Leanne Drake, Assistant Town Planner; Sam Jensen, Assistant Town Engineer; and Maureen McCabe, Sr. Administrative Assistant

Mr. King opens the meeting by reading the March 12, 2020 Executive Order from Governor Baker suspending certain provisions of the Open Meeting Law. There will be no in-person attendance for this Planning Board meeting, however, the meeting will be recorded and broadcast live on Sandwich Community Television. All Board members are participating via remote participation software. Mr. King reads the Planning Board's opening statement. He states that each vote taken this evening will be by roll call vote. Mr. King announces that Board Reorganization will take place at the end.

Mr. Darling experiences technical difficulties at approximately 7:12 p.m. Staff phones him and requests that he call in and follow the meeting as it is broadcast live on Sandwich Community Television. This allows Mr. Darling to hear and contribute to the meeting in real time. It also means that he is able to participate verbally in roll call votes.

Approval of Minutes

Mr. Cubetus motions to accept the minutes from the meeting held June 30, 2020, as written. Ms. Reisig seconds. Unanimously approved by roll call vote.

Submission of New Plans

There are no new plans submitted.

Old Business

There is no old business to discuss.
New Business

• 16 & 16A Bayview Road – Definitive Plan – Cesar

Mr. King reads the Public Hearing Notice into the record. In addition, Mr. King reads the following into the record:

➢ Memo to the Planning Board from Leanne Drake, Assistant Town Planner re: Definitive Subdivision – Bayview Road, dated June 30, 2020

Mr. King does not have a copy of Mr. Jensen’s comment memo, therefore, with Mr. King’s permission Mr. Vitacco reads Mr. Jensen’s memo into the record:


Mr. Cubetus motions to open the Public Hearing on the Definitive Subdivision Plan for 16 & 16A Bayview Road, East Sandwich. Ms. Reisig seconds. Unanimously approved by roll call vote.

Mr. Dan Ojala introduces himself to the Board. Danny Gonsalves is an engineer who worked principally in drafting most of the details on the plan. Mr. Ojala explains that a preliminary subdivision plan, very similar to this plan, was prepared in 2014, which was approved by the Board. At that time the owner decided not to move forward. Eventually the property was sold to the Cesars who would like to do a similar subdivision. Mr. Ojala describes the modifications made to the preliminary plan and goes on to describe the three large lots. In 2014 a gravel turning tee looked reasonable and was approved. The plan is safe from sea level rise; it is 200 feet above sea level. Ground water is not a factor; it is 100 feet or more below grade. The plan has been laid out so that it leads to reasonable house sites. Lot 3 has a natural kettle hole; it’s a dry kettle. What’s being proposed is a no fill natural drainage easement which is some of the best drainage you can do. Instead of conveying it through catch basins you try to infiltrate it into the ground by simply letting it run into a natural large area where the suspended solids are removed and the nutrients are taken up by the root demand and it is handled in a manner that is very good for the environment. It is a very small road. One of the things that we do frequently in the Town of Barnstable is to provide a turning tee instead of a cul-de-sac. It saves a bit of clearing and works effectively and a vehicle can turn around nicely. The fire department will find that a hammerhead tee will be able to turn a vehicle around easily. The grading is pretty straightforward. There is a natural pitch to the north; the water will be captured in a bowl or "u" shaped swale where the storm water is directed into. It will run down the slope; if you don’t do this during a good size storm it can cause maintenance headaches. A rock swale was provided down to the bottom. When it levels out the flow dissipates, spreads out levelly, and you don’t have any issues so the apron was terminated down at the bottom. It is a low impact design which is what the modern software storm water guidelines point you towards. As required by the Rules & Regulations Sheet “A” of the definitive plan lays out the meets and bounds, the exact distances and
angles of all the curves, and the drainage easement is laid out with lines and distances. Upon request, a well easement was requested for #16 over Lot 1. Previously the fire department expressed some concern if we were going over 500 feet so we put a note to limit the driveway off the road to about 500 on Lot 1 or some manner of protecting that home. If not, they might look for a special additional turning tee or another route out. Sheet "B" shows grading, stationing and profiling of the small road. Plans have been revised according to Mr. Jensen's comments; they have not been submitted yet. We expect the meeting will be continued. Mr. Ojala discusses "Avere Way" as a proposed road name. He tells the Board he will do further research to see if it's a common-enough name. It's a good idea to have an apron to keep the gravel off the road. A subdivision maintenance plan will be submitted for the next hearing. Mr. Ojala asks if there are other comments to be put forward. If so, he will include them prior to submitting the revised plans. The lots all meet shape size, frontage, and with the Board's approval, the waivers which Mr. Ojala believes are reasonable. The design limits the impervious surfaces by keeping them more native, more natural. Mr. Ojala would like confirmation that the curve does meet the frontage requirement and no formal landscape plan because it will be revegetated according to the notes on the plan.

Mr. King asks Mr. Jensen if he is satisfied in terms of frontage and the requests for waivers. Mr. Jensen says that the Engineering Department concurs with that approach. It is very reasonable considering the limited roadway. His department looks for natural, open-surface style drainage – it is the preferred approach especially with a small-scale subdivision like this. The t-type turnarounds are often considered and implemented in lieu of a full cul-de-sac. Mr. Jensen says his department is supportive of the waivers. He points out to Mr. Ojala that the Subdivision Rules & Regulations did change a bit and asks if there is room in the natural depression to accommodate the 100 year storm? Mr. Ojala says he will run it for the 100 year storm. He doesn't believe he will have to go up another contour. The difference between 25 and 100 is some but not what you'd think it would be.

Mr. King opens the matter up to the Board for questions. Ms. Reisig asks about the driveway with the 500 feet. If the house is so much further away does that lead itself to having to be longer than 500 feet for the purposes of fire apparatus? Mr. Ojala explains that by putting the note on the plan the Building Commissioner is put on notice to not put longer than a 500 foot drive without checking with the authorities. The length shown is somewhat less than 500. What we show easily makes it and it's a good house site.

Mr. Darling states that he has seen this development before. At that time it was to accommodate more family houses. What's the reason for this one? Mr. Ojala explains the reason for the division is to allow for two more homes to be development on the property. The owners will develop a road and have a potential house lot on Lot 3 and a potential house lot on Lot 1.

Mr. Picard asks if the note on the driveway regarding the 500 foot driveway only pertains to Lot 1 or is it a general note. Mr. Ojala says it would only apply to Lot 1. Mr. Picard wonders if it's not detrimental why not make it a general note to avoid any future issues. Mr. Ojala doesn't feel it's needed but would like to know
what the Board’s opinion is. If it’s important it can be addressed. A discussion ensues on this point. Mr. Ojala says he is not opposed to it.

Mr. Ojala says the type of material on the existing driveway is gravelly dirt, not pavement. Mr. Picard asks Mr. Ojala to talk about the drainage calculations and what types of roadways or structures would affect the drainage. Mr. Ojala and Mr. Picard engage in a technical discussion as it relates to drainage. Mr. Ojala says he will rerun the calculations but believes a very good volume of storm water can be contained in the area. Mr. Picard says the concern is always flooded roads in neighborhoods after storms. We have to ask questions. Mr. Ojala acknowledges this is an important point.

There are no further questions from the Board. Mr. Vitacco reads the following public comments into the record:

➢ Email to Planning Department from Eben Corbiere re: 16 & 16A Bayview Road, dated July 7, 2020

Mr. Ojala responds by saying it’s true currently there isn’t enough frontage but frontage can be created through the Definitive Plan process. The proper way to do this is with a road layout. This is done all the time to create road frontage to develop the land. By doing a hammerhead tee vegetation will remain in place; it is a very green and low impact. With the limited size and rural character a gravel surface is very appropriate.

Mr. Picard asks Mr. Jensen if the Town is setting a precedent by approving the gravel tee. Mr. Jensen responds by saying there are other small subdivisions on the order of three lots where there are tee type turnarounds that have been approved. There are some benefits, e.g. reduced clearing, the amount of infrastructure that is actually built. It is not an uncommon situation.

➢ Email to Planning Department from Lori Sidorski re: 16, 16A Definitive Subdivision Plan, dated July 7, 2020.

Mr. Ojala responds by saying there will be a full 20 foot paved apron which will keep a neater appearance. As part of a subdivision on a private road the owners are responsible for maintenance. Maintenance documents will be submitted.

In answer to Mr. King’s question, Mr. Ojala believes the existing driveway is gravel and dirt but will have to confirm that. Mr. Picard and Mr. Ojala discuss the apron to be added. Mr. Picard asks why it is going nearly to the high point and why not all the way to the high point. Mr. Ojala says it is a matter of expense. 20 feet meets Code; to do more is excessive and we would prefer not to. Mr. Picard wonders if it would be beneficial to pave to the high point which would prevent any soil or gravel from running down onto Bayview. Mr. Picard’s concern is flooding, puddles, dirt and erosion. Because the equipment will already be there only material will need to be added to pave 20 feet; drainage along the sides could be addressed. Long term maintenance will also be easier. Mr. Ojala says
he will check with the owner and would like to see what other Board members have to say as it relates to this matter. He goes on to say another option is to perhaps move the high point more toward the street and flattening the grade a touch in order to do the paved apron without as much effort. Mr. King points out that there are other small subdivisions in Town that are gravel that don’t have trouble. Mr. Picard says the concern with gravel is runoff. Mr. King states there will be a homeowner’s association in place. Ms. Reisig asks if it is more of an expense saving measure than it is a drainage measure. Mr. Ojala says it is a win-win for the owners because it is lower impact on the environment in terms of less drainage runoff, less impervious which more people dislike but it’s certainly does cost less. Paving is extremely expensive. He explains a full apron will protect the edge of the roadway from breaking up and it keeps the tracking of gravel to a minimum. Ms. Reisig asks if an extra 20 feet of apron is an excessive cost. Mr. Ojala says if the Board deems it reasonable it won’t break the budget.

➢ Email to Planning Department from Eben Corbiere re: 16 & 16A Bayview Road, dated July 7, 2020 – Follow-up

Mr. Vitacco states that the reduction in frontage is allowed in the Sandwich Zoning By-Law. The outside of a curve can be reduced by 60 percent. Frontage in the Ridge District is 200 feet. The outside of this curve is 125 feet which is 60 percent of 200 feet. The lots do conform to the Ridge District.

Gravel is an option in the Subdivision Rules & Regulations as minimum road construction requirements. Mr. Jensen has already discussed precedent.

➢ Email to Planning Department from Bob and Arlene Hoxie re: 16 & 16a Bay View Rd, dated July 7, 2020

Mr. Ojala discusses the question of clear cutting of trees. He doesn’t believe anyone is intending to clear cut. Mr. King says the issue becomes does everything conform to the Subdivision Rules and Regulations. We look to our professional staff and our Town Engineer is telling us that the project does conform. Mr. Ojala says generally buffers work for everyone. Neighbors have the right to put up a buffer and screen their neighbors out completely. The applicant wants to comply with all applicable rules and regulations while preserving their property rights. They want to be good neighbors. Mr. Darling suggests it would be nice to have the owners present to answer questions. Mr. King explains this is not a requirement; the applicant has sent their professional representative to speak on their behalf.

There are no further comments from the Board. There are no emails received by the public or comments received through the ZOOM platform. Mr. Cubetus motions to continue the public hearing for the subdivision plan for 16 & 16A Bayview Road, East Sandwich to our July 21, 2020 meeting. Mr. Picard
seconds. Unanimously approved by roll call vote. Mr. Ojala says he will submit the revised plans prior to the next meeting.

**Board Reorganization**

Mr. King nominates Mr. Cubetus as Chair. Mr. Callahan seconds the nomination. Unanimously approved by roll call vote. Mr. King nominates Mr. Picard as Vice Chair. Mr. Cubetus seconds the nomination. There are no other nominations. Unanimously approved by roll call vote.

**Board Discussion**

There are no items to discuss.

**Deliberations**

There are no matters to deliberate.

**Other Matters Not Reasonably Anticipated**

There are no matters to discuss.

**Adjournment**

Mr. Cubetus motions to adjourn. Mr. Reisig seconds. Unanimously approved by roll call vote.

Mr. Vitacco explains that meetings will probably take place via ZOOM until Labor Day. The Town will reassess at that time.

The meeting adjourns at 8:27 p.m.

Respectfully submitted,

Maureen McCabe

Supporting Documents:

1. Draft Minutes dated June 30, 2020 (4 pages)
2. 16 & 16A Definitive Plan Application (4 pages)
3. Cesar Drainage Area Sketch (1 sketch)
4. Cesar Drainage Calculations (13 pages)
5. Cesar Plan of Land (3 drawings)
6. Sam Jensen's Memo (2 pages)
7. Memo to the Planning Board from Leanne Drake, Assistant Town Planner re: Definitive Subdivision – Bayview Road, dated June 30, 2020 (2 pages)
8. Email to Planning Department from Bob Hoxie re: 16 & 16a Bay View Rd, dated July 7, 2020 (1 page)
9. Email to Planning Department from Eben Corbiere re: 16 & 16A Bayview Road, dated July 7, 2020 (1 page)
10. Email to Planning Department from Lori Sidorski re: 16, 16A Definitive Subdivision Plan, dated July 7, 2020 (1 page)