MINUTES
February 1, 2022

7:04 p.m.
Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA & via Remote Participation Software

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

Mr. Picard states that this regularly scheduled meeting of the Sandwich Planning Board is being conducted remotely. On June 16, 2021 Governor Baker signed into law an Act extending certain COVID-19 measures adopted during the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law. All Board members are participating via videoconference. Mr. Picard reads the Planning Board's opening statement. He says that each vote taken this evening will be by roll call vote.

Approval of Minutes

Mr. Picard asks if there are any comments to the Minutes. Mr. Darling says there are and states that when it came to the Scenic Roads Act he made several comments that he doesn't see recorded in the Minutes in the way that he thinks he commented based on his memory. Mr. Darling says he thinks he proposed scuttling the whole thing so that we no longer burden the members of the community that own property and have this problem of being on the Scenic Road having this infringement on their private property rights. He goes on to say that he also told the Board that his house was serviced by the Town; they cut down all the trees in front of his house. Whatever the rules are it didn't apply to him. Mr. Picard explains to Mr. Darling that he does recall him discussing both of these items. If Mr. Darling would like we can vote to approve the Minutes with those two items added. Mr. Darling states that he would like them entered into the Minutes. No Board members recall the discussion differently. Ms. Reisig motions to accept the Minutes from the meeting on January 4, 2022 with those changes. Mr. Dever says his computer dropped out and he did not hear the changes. Mr. Darling says the change is that he proposes we seriously think about getting rid of the Scenic Roads Act and give people back their rights on their property and that he, personally, had a different experience than Paul had. The Town came out and took down all the trees in front of his house and disposed of the wood. Mr. Picard says he
recalls Mr. Darling discussing both of these items so it is appropriate for them to be in Minutes if Mr. Darling would like them to be which he does so Mr. Picard has asked that the Minutes be amended for those two changes and we will vote tonight to approve the Minutes with those two changes. Ms. Reisig has made a motion to do that. Mr. King seconds. Unanimously approved by roll call vote 5-0-1. Mr. Dever abstains.

Submission of New Plans

There are no new plans submitted.

Old Business

There is no old business to discuss.

Mr. Picard announces the Board will skip to the Housing Production Plan. From there we will move on to New Business. If the applicant is not on we will proceed without the applicant.

Board Discussion

- Housing Production Plan

  Mr. Vitacco reminds Board members that on January 4, 2022 they voted to endorse the Housing Production Plan ("HPP"). On January 13, 2022, the Board of Selectmen unanimously endorsed the HPP. Both votes were recorded with the Town Clerk. The HPP and the two recorded votes were sent to Phillip DeMartino at the Department of Housing and Community Development for the Commonwealth’s review and approval. The process typically takes six weeks. Mr. Vitacco will update the Board when there is something new to report. There is no further discussion as it relates to this matter.

  Mr. Vitacco asks for the Chair’s permission to move ahead to Others Matters Not Reasonably Anticipated. Mr. Picard grants the request.

Other Matters Not Reasonably Anticipated

- Mr. Vitacco explains that the COVID numbers are starting to drop and the Board might want to start thinking about resuming in-person meetings for March. He goes on to say that he will provide updated COVID numbers at their next meeting. In the state of emergency, we are allowed to conduct virtual meetings until April 1, 2022. Mr. Vitacco explains that he doesn’t know how other Boards are leaning as it relates to this matter, however, the Board of Selectmen is intent to meet in person. Mr. Picard says the next meeting is by Zoom and the question on the table is do we want to resume in-person meetings in March.

- Mr. King asks Mr. Vitacco if the Board can approve an ANR if the applicant is not present. Mr. Vitacco says that they can.
New Business

- **209 Route 6A – Approval Not Required – Casoli**

Mr. Picard reads the following comment memo into the record:

- Memo to Jeffrey R. Picard, Chair from Sam Jensen, Assistant Town Engineer re: Application for Endorsement of Plan Believed Not to Require Approval, 209 Route 6A Assessor’s Parcels 67-013-, 67-52-, dated January 25, 2022

Ms. Drake presents for the applicant. She explains the applicant is currently the owner of lot 1A and lot 2A and is proposing to convey some land from lot 1A to lot 2A. Lot 2A has a single family home on it and is currently nonconforming in that it does not meet the requirements for an R2 zoning district per current zoning standards. The applicant is proposing conveyance of approximately 33,000 square feet which will then make the lot conforming and will also add additional frontage to it. The plan meets all of the criteria specified in MGL for ANR endorsement.

Mr. Picard opens the matter up to Mr. Jensen for comment. Mr. Jensen says the items he references in his comment memo would make for a more complete plan. The plan technically meets the requirement for ANR endorsement. Mr. Jensen suggests the applicant include the name of the abuser for the lot labelled 40-foot right-of-way. He corrects a typographical error in his comment memo: parcel 12 on assessor’s map 12 should be parcel 12 on assessor’s map 67. Mr. Jensen also recommends that the plan identify current zoning lot district and setback requirements to identify what those requirements are in the future if and when lot 1A becomes a buildable lot when the requisite frontage is provided by the construction of Ox Pasture Road. The CAD file includes topographic information even though it is not included in the pdf submittal. Mr. Jensen says access due to the topographic constraints isn’t really going to be an issue and he would recommend a waiver there. He recommends a waiver also for the public and private wells and septic systems; there is plenty of space there and those aren’t seen as a constraint.

Mr. Picard opens the matter up to the Board for comment. Mr. King wants to be sure the applicant understands they are not creating a buildable lot given the fact that Ox Pasture is not a legal road; this is not creating a second lot for them to build on. Mr. Vitacco responds by saying that the ANR plan notates that lot 1A is not a buildable lot. Mr. Picard asks Mr. Jensen to elaborate further on his comment memo as it relates to the frontage on Route 6A. Mr. Jensen explains that the property fronts 50 feet on Route 6A which qualifies as a street under the Zoning By-Law. The conversation expands to include a lengthy discussion regarding the 40-foot-right-of-way as well as ownership and access rights to Ox Pasture Road. Mr. Jensen defines an ANR as an endorsement for the Registry of Deeds so that the Registry sees that the Planning Board has endorsed and concurred with the fact that it does not meet approval under Subdivision Control Law. Ms. Reisig motions to endorse an Approval Not Required for 209 Route 6A and Ox Pasture Road. Mr. King seconds. Unanimously approved by roll call vote 5-1-0. Mr. Dever opposes. Mr. Picard, as authorized representative for the Board, states that he will go into the office to sign the Mylar.
Deliberations

- There are no matters to deliberate.

Ms. Reisig motions to adjourn. Mr. King seconds. Unanimously approved by roll call vote. The meeting adjourns at 7:47 p.m.

Respectfully submitted,

[Signature]

Maureen McCabe

Supporting Documents:

1. January 4, 2022 Draft Minutes (3 pages)
2. Town of Sandwich Housing Production Plan (122 pages)
3. 209 Route 6A – ANR Application – Casoli (2 pages)
5. Town of Sandwich May 2021 Protective Zoning By-Law (94 pages)