MINUTES
March 15, 2022

7:03 p.m.
Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA

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

Mr. Picard opens the meeting with the reading of the Opening Statement and the Pledge of Allegiance.

Approval of Minutes

Ms. Reisig motions to accept the minutes from the meeting held February 15, 2022, as submitted. Mr. King seconds. The vote is unanimous.

Submission of New Plans

There are no new plans submitted.

Old Business

- Atkins Road Cluster Subdivision – Update

  Mr. Picard says this is not a Public Hearing; it is for information only. He reads the following comment memo into the record:

  ➢ Memo to Jeffrey R. Picard, Chair from Sam Jensen, Assistant Town Engineer re: Atkins Road Residential Cluster Subdivision, Limit of Clearing Delineation, dated March 1, 2022

  Mr. Jensen explains that the developer reached out to the Engineering Department to indicate that they wanted to get started. The surveyor has flagged the limited clearing but that additional clearing of the site was necessary before additional staking could be done. Mr. Jensen says his department has no objection to this; it is difficult to stake a fully vegetated forest which much of the site is. Regarding the limit of clearing on the site it
appears it is consistent with the approved plans. There is no objection to their moving forward provided they satisfy the conditions as stated in the memo and any other issues that may be with other departments. Mr. Jensen says he isn’t aware of any other issues other than what is contained in his memo. He goes on to say that he wanted to follow up with the Board to make sure they are aware of what is going on; that is a requirement in the Definitive Plan approval.

Mr. Vitacco tells the Board that we have been working with the new owners. Last summer Monomoy Properties sold the land and the rights to the subdivision to the Pagano family who are with International Golf. We have had an excellent line of communication and they are aware of the conditions. Mr. Vitacco says he believes the approval has been received from Mass DOT so they are costing out to drill the pipes. It is Pagano’s plan to stick with the Definitive Plan approved by this Board several years ago.

Mr. King asks if the new owner was able to definitively say that they have the utility permit to go under Route 6 with the water line. Mr. Vitacco says he will confirm this. Right now it is just the cost to do the drilling. The permit was a condition of this Board on the recommendation of the Water Department. Because of the topography of the land pumping stations are needed every so many feet to bring water from Route 6A to the subdivision. Mr. King recalls each home requiring their own pumping device in order to get water pressure into their homes. In addition, he remembers the neighbors being concerned that the results of the new neighborhood would bring water into their basements. Is the inspection of the foundations about that? Mr. Jensen says it has more to do with potential settlement and cracking of foundations. He talks about earth compaction being required and that can sometimes, not always, depending on soil conditions, be felt on adjacent lots. Mr. Jensen says it is his understanding the concern is that if the foundations were to crack it is possible that it will lead to water intrusion. He believes there is a requirement for a third party engineer be contracted to go into the homes and do preconstruction surveys, as necessary.

New Business

- 55 Pimlico Pond Road – ANR – Ruhan & Stinson Realty Trust

Ms. 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, 55 Pimlico Pond Road, Ruhan and Stinson Realty Trust, dated March 9, 2022

Jonathan Fitch, Esq. introduces himself to the Board. He explains that he is not seeking approval on anything; he is seeking an agreement that does not require the Board’s approval. He goes on to say that the plan is about 45 acres; the request is to divide it into two lots. Each one under zoning would be appropriate for one single-family house unless you get additional permits. Attorney Fitch says the Board can pretty much count on both of these lots being back in front of one Board or another for a use. He reminds the Board that two years ago they endorsed the perimeter of the failed Forestdale Village affordable housing project which is struggling to find reuse but they are working on it. Attorney Fitch says this 45-acre site was proposed as a Chapter 40B affordable housing project, together with green energy, wastewater treatment, battery storage, all the things that development now wants to include was to be proposed on this site. Attorney Fitch tells
the Board that when the project eligibility letter went to Mass Housing Partnership they didn’t know how to deal with it. He says he prepared a lengthy memo regarding how the solar part will be accessory to. The state said they didn’t know if it was an energy project or a housing project. Attorney Fitch explains the idea is to take this lot and carve it into two pieces. One of the pieces is proposed for housing, the other piece will come back before the Planning Board for a ground mounted solar facility. The plan is to make the energy available for the housing; it was sized to meet the housing needs. Each lot exceeds the minimum lot size and each lot has frontage on a road that exists and provides access, if necessary, at this time. Attorney Fitch explains the request for waivers. The subdivision was rescinded by the Zoning Board and recorded with the Registry. He says that the Assessor’s office hasn’t changed the maps; it still reflects all of the lots. Attorney Fitch says that to be able to get this started he asks the Board to allow the waivers necessary to do this and that the Board agrees the plan qualifies as Approval Not Required.

Mr. King asks Attorney Fitch if the ANR is approved tonight will the Assessor’s maps will be updated. Attorney Fitch says they should reflect the change. He says it is public knowledge that when Ruhan & Stinson foreclosed on Forestdale Village the Town had already taken a lot of the properties for non-payment of taxes. Ruhan & Stinson has entered into an agreement with the Tax Collector to get the back taxes paid. It has been working; it was paused during COVID and then Ed Childs passed away. There is some repair work that needs to be done to that agreement but ultimately the taxes will be paid. In the meantime, the Town makes 14%. Many of these have been redeemed. Many of the documents have not been recorded because they are not in the form they are supposed to be in. It is time to move on. Mr. Picard advises Board members that with respect to an ANR the Board can let this move forward even though there are back taxes not paid. Mr. Vitacco adds that this is an Approval Not Required so the Board is endorsing the plan.

Mr. Coteus has questions relating to the waivers. Were any septic systems installed before it was abandoned? Attorney Fitch explains the Building Department issued a building permit for a lot on Pine Road. There was a house built on that lot and then it was sold. Someone is living there. Mr. Coteus asks about the dotted line which references where the two lots will be split. Attorney Fitch provides a detailed explanation.

There are no further questions from the Board. Mr. Jensen says there are no issues with the waivers. Ms. Reisig motions to endorse Approval Not Required for 55 Pimlico Pond Road. Mr. King seconds. The vote is unanimous. Mr. Picard, as an authorized representative for the Board, signs one blueprint and the Mylar.

**Deliberations**

There are no items to deliberate.

**Board Discussion**

- **Wing School Update**

  Mr. Vitacco explains that part of the financing is based on low-income housing tax credits. Each year the Department of Housing and Community Development ("DHCD") qualifies developments to be a qualified entity to sell those tax credits. These qualifications only
happen once a year. SCG was first eligible to qualify in November 2021. They were hopeful, but did not anticipate, to qualify. The fact that they did not qualify has nothing to do with the quality of the project. It is more realistic they will qualify for the next round. Pre-applications are due in November. Applications will be reviewed by DHCD and then they move forward to receive the low income housing tax credit to be sold on the open market. Mr. Vitacco explains this process. SCG continues to work on the project. They have assembled a management team called CHOICE. There has been no distribution of CPA funding. The Town still owns the property. If selected for funding the project will start in Spring 2023. The lottery process will start around that time. Mr. Vitacco tells Mr. King that if the Stratford Group receives the tax credit financing they will take ownership of the Wing School in Spring 2023. Mr. Vitacco goes on to say that everyone is reworking their construction models due to inflation and the increase of housing material. An expanded discussion ensues as it relates to the development of this property.

- Amending Planning Board Rules and Regulations

Mr. Vitacco explains that this topic was brought up by Ms. Reisig at the Board’s last meeting. Within the Planning Board Rules and Regulations document is the phrase “Chairman.” We thought we were using a more neutral term. If it is the pleasure of the Board the terms “Chairman” and “Vice-Chairman” can be changed to “Chairperson” and “Vice-Chairperson.” Ms. Reisig motions to accept the amendments to the Planning Board’s Rules and Regulations from “Chairman” to “Chairperson.” Mr. Callahan seconds. The vote is unanimous.

- Housing Production Plan Update

Mr. Vitacco advises Board members that the Housing Production Plan was approved by the Department of Housing and Community Development (DHCD) on March 2, 2022.

- COVID-19 Remote Meeting Policy

Mr. Vitacco explains that the Remote Meeting Policy has been extended to July 15, 2022. He says that if someone is not comfortable attending a meeting in person during this time they can they use this extension to participate remotely. Mr. Vitacco adds that hybrid models are allowed, however, we are limited in what can be offered. For now, the only means we have to offer is participation via audio; a person(s) can call in. Mr. Picard adds that a presentation can be provided to the Board in advance of a meeting. This will allow Board members to follow along the night of the meeting.

- Request for Comment: #22-06: 26 Boardley Road – Special Permit – Sullivan

Mr. Vitacco provides an overview. The Board reviews and discusses this request from the Board of Appeals. They decide not to forward a comment to the Board of Appeals.

Other Matters Not Reasonably Anticipated

- Recreational Marijuana Public Hearing

Mr. Vitacco states that a Citizen’s Petition has been delivered to the Town Clerk. Because it is a zoning article the Planning Board is obligated to hold a Public Hearing on the
subject. We anticipate a large turnout so the Public Hearing will take place at Town Hall on April 5, 2022 at 7 p.m. April 5 is a regularly scheduled meeting of the Planning Board.

- **Bikeway and Pedestrian Shared Use Path**

  Mr. Jensen provides a detailed overview. He says the project, as a whole, remains on track to be bid out by Mass DOT in a special fiscal year which ends September 30th. It is a very long and complex design process. VHB is the engineer and they are very skilled with this complex process. Mr. Jensen explains the two-part right-of-way process which requires temporary easements and providing access to the Town in order to maintain the drainage that will go along with this project. There is a possibility the Committee will come before the Planning Board with a recordable plan for easement lines. More information has been posted to the Engineering Department’s webpage. A discussion ensues as it relates to this project. Mr. Jensen says construction associated with the Feasibility Study is a long way out. More information will be available in a couple of months.

**Adjournment**

Ms. Reisig motions to adjourn. Mr. King motions to adjourn. The vote is unanimous. The meeting adjourns at 7:55 p.m.

Respectfully submitted,

Maureen McCabe

Supporting Documents:

1. February 15, 2022 Draft Minutes (4 pages)
2. 28 Boardley Road Special Permit Application (17 pages)
3. 55 Pimlico Pond Road ANR Application (3 pages)
4. Memo to Jeffrey R. Picard, Chair from Sam Jensen, Assistant Town Engineer re: Application for Endorsement of Plan Believed Not to Require Approval, 55 Pimlico Pond Road, Ruhan and Stinson Realty Trust, dated March 9, 2022 (1 page)
5. Memo to Jeffrey R. Picard, Chair from Sam Jensen, Assistant Town Engineer re: Atkins Road Residential Cluster Subdivision, Limit of Clearing Delineation, dated March 1, 2022 (3 pages)
6. Atkins Road Definitive Subdivision Plan Decision, dated April 25, 2017 (6 pages)
7. Atkins Road Definitive Cluster Subdivision Plans, dated April 5, 2017; revised May 15, 2017 (14 drawings)
9. Housing Production Plan approval letter from DHCD, dated March 2, 2022 (1 page)
10. Town of Sandwich GIS map, dated March 15, 2022 submitted by Jonathan Fitch, Esq. (1 page)
11. Atkins Road Utility Permit (copy not provided to the Board)
12. Attorney Fitch’s memo regarding solar (copy not provided to the Board)
13. Attorney Fitch’s Project Eligibility Letter (copy not provided to the Board)
14. Forestdale Village Comprehensive Permit (copy not provided to the Board)
15. Ruhan & Stinson’s agreement with the Tax Collector (copy not provided to the Board)