MINUTES
April 19, 2022

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

Present: Jeffrey Picard, Chair; Jennifer Reisig, Vice-Chair; Mark Callahan; Paul Coteus; and James Dever
Absent: David Darling and Robert King
Also Present: Leanne Drake, Town Planner; and Craig Geddis, Tree Warden
Absent: Ralph Vitacco, Director, Planning & Development; 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

Mr. Picard notes that the phraseology of the Adjournment section of the minutes of the meeting held on April 5, 2022, should be amended. Ms. Reisig motions to accept the minutes from the meeting held April 5, 2022, with the one change noted. Mr. Callahan seconds. The vote is unanimous.

Submission of New Plans

There are no new plans submitted.

Old Business

There is no Old Business to discuss.

New Business

- 4 Factory Street – Scenic Road Permit – Anderson

Mr. Picard reads the Public Hearing notice into the record. Ms. Reisig motions to open the Public Hearing. Mr. Callahan seconds. The vote is unanimous. Mr. Picard reads the following comment memos into the record:
Email to Maureen McCabe from Sam Jensen, Assistant Town Engineer re: Request for Comment: Scenic Road Permit – 4 Factory Street, dated March 24, 2022

Memo to Maureen McCabe, Planning Board from David J. DeConto, Director of Natural Resources re: Scenic Road Permit- 4 Factory Street, dated March 29, 2022

Mr. Picard asks Mr. Craig Geddis, Tree Warden, to share his comments. Mr. Geddis explains there are two Red Maple trees on the Jarves Street side of the property and the other is on the Factory Street side of the property. The Jarves Street tree is the smaller of the two and suffered wind damage in a previous storm. Currently the root zone is being impacted by driveway traffic but is otherwise a healthy tree with no signs of disease or other decay. The larger of the two trees on the Factory Street side has some structural issues in the lower third trunk where it is actually two separate trunks. There is included bark where the tree has grown together which leads to decay but otherwise a healthy tree. It has had some root damage most likely from the postman driving over the edge of the road to get to the mailbox but otherwise no sign of disease or decay is visible.

Mr. Caleb Anderson explains the Jarves Street tree root ball is located about eight inches above the pavement of the tree so it is really hard to be able to get the grading from the flat lot down. The root ball has been damaged and it had also been planned to shift the driveway over about four feet to center the Norway Maple in the newly proposed driveway. If the tree is removed, the plan is to continue the Cherry trees from the train tracks and stagger them with Pear trees to Jarvesville Street. Cherry and Pear trees will be planted on public property. Behind the proposed fence will be Cedar Trees from the beach back down towards the property. The homeowner’s concern regarding the tree on Factory Street is fixing the water coming from the public property and also the private property. The root ball of that tree is about eight or nine inches higher than the road and the existing private lot. Mr. Anderson says they obviously don’t want to take the tree down because it is a beautiful tree but the concern now is the public safety issue because of the standing water which people have to walk around all the time. The white picket fence will be extended all the way around Factory Street. Mr. Anderson says regarding the house itself they have been dealing with groundwater issues and the pump is pumping non-stop every 30 seconds. One foot of concrete has been poured in the basement and they have raised up the pumps but the water will have to be pumped into a holding tank in the front yard and all of the rainwater will be piped into the downspouts into the holding tank. The only place to put this is right in front of that tree which will affect the tree.

Mr. Picard opens the matter up to the Board. Mr. Anderson tells Mr. Coteus that he is the general contractor representing the homeowner. Mr. Anderson explains they will be installing a larger holding tank; if there is water overflow it will be going onto the property. Mr. Picard clarifies that a better term for the holding tank is a dry well. Mr. Coteus asks Mr. Anderson what the elevation of the site is. Mr. Anderson says that he will look it up. Mr. Anderson tells Ms. Reisig that the tank will be located behind the hedges. Mr. Anderson states he isn’t saying the Factory Street tree doesn’t warrant removal but at the same time there are things that can be done to mitigate it. The Jarves Street tree is healthier. The conversation continues as it relates to installing a horseshoe driveway around a Norway Maple. Mr. Coteus says he is not understanding the logic that removing this tree and stump and regrading it will change the water problem. Mr. Anderson explains the Town will have to do something with the road to elevate it which the Engineering Department is working on. Mr. Anderson elaborates. In addition, Mr. Anderson identifies
an alternative location for the dry well on the homeowner’s property. Mr. Picard says the location for the solution is what needs to be done in order to prevent water from going into a neighbor’s yard. Mr. Anderson agrees. The homeowner doesn’t want to remove the tree. If they can mitigate without removing the tree they will. We may be able to put the holding tank in and not mess up the root system of the tree. Mr. Picard asks Mr. Anderson what he is requesting with respect to the tree on Factory Street. Mr. Anderson says the Engineering Department said they could fix the road without taking the tree down. He goes on to say that everyone agrees that if the issue can be fixed without removing the tree that is the best case scenario. Mr. Picard asks Ms. Drake if they could amend the decision tonight to just approve one tree if they so choose. Ms. Drake confirms. Mr. Picard clarifies that the tree on Factory Street may or may not need to come down it all depends on the installation of the dry well. Mr. Geddis details how the site will be excavated and says there are methods to mitigate the damage. The conversation continues as it relates to this matter. The discussion turns to the Jarvis Street tree. Mr. Anderson says the final plan is for Jarvis Street to be all Cherry trees. He says they are currently working with Eversource who recently removed a tree by the train tracks and will be removing more trees over time. Mr. Anderson tells Mr. Picard that there are five Cherry trees from the corner of the property to the proposed driveway. Board members and Mr. Anderson talk about the proposed landscape design. Mr. Picard says the need to take the Red Maple tree down on Jarvis Street is to center that horseshoe driveway and leave the Norway Maple tree centered there. Mr. Anderson says there will be gardens of hydrangeas surrounding the tree. In order to do this, they need to shift the driveway over. Mr. Picard summarizes by saying a Red Maple tree will be taken down, leaving a Norway Maple centered in the horseshoe driveway and five Cherry trees will be planted. Mr. Anderson clarifies by saying five Cherry trees will be put in to the right of the driveway and potentially a couple to the left of the driveway. Mr. Geddis describes the species of Cherry trees that are proposed to be planted and says they are considered public shade trees under the Planning Board’s jurisdiction. Mr. Picard explains the tree replacement policy to Mr. Anderson and says that the Board is willing to allow the Cherry trees that are being proposed to be planted along Jarvis to serve as the replacements for the tree being removed. Mr. Geddis tells Mr. Coteus that he estimates the age of the tree being removed on Jarvis Street is 25 years; the age of the tree being removed on Factory Street is 50-60 years old. There are no further questions from the Board.

Mr. Picard opens the matter up to the public for comment. The following people spoke:

- **Bill Collins, 15 Liberty Street**

  Mr. Collins says he has served on the Historic District Committee and says that he hopes the proposed fence won’t be plastic. He says that he runs by this property in the mornings and would like to see the puddle gone because when it freezes in the winter it is hazardous. Mr. Collins says he is also on the Tree Committee, too. These are healthy, mature trees that are parts of the streetscape. Cherry trees are not shade trees; they don’t give grandeur, shade or any kind of canopy. The trees threatened in this application can shade the street. Mr. Collins believes that to move a tree because of a driveway is a mistake. He goes on to say that the water issue is beyond his capacity.
Jim Rogers, 197 Main Street

Mr. Rogers says from Liberty Street on there is a beautiful canopy. In his estimation it would be a shame to destroy part of it. All of tonight’s discussion has been about the technical aspects of it but, as Mr. Collins said, there is the aspect that this is a Scenic Road. Mr. Rogers says when he spoke with Mr. Vitacco a week ago there was no rationale as to why these trees must come down. He asks the Board to wait on the Factory Street tree until the Board sees what the Town can do to grade that property. There is a water issue along the corner of Jarvis Street; every homeowner isn’t asking to cut down a tree to cure their water problem.

There are no further comments from the public. Mr. Coteus tells Mr. Anderson he can understand aesthetically what they want to do. Instead of pushing the driveway out can the other side of the driveway be brought in? Mr. Anderson says it is too tight of a radius. Ms. Reisig asks if the driveway plan was not done as proposed is there a Plan “B”? Mr. Anderson says that no one wants to cut down the Factory Street tree. The conversation continues between Mr. Anderson and Board members. Ms. Reisig asks Mr. Collins and Mr. Rogers their opinion on possibly requiring another shade type tree be put into the area to replace the Jarvis Street tree rather than the Cherry trees. They respond by saying that shade trees would be preferable. The problem is it takes 25 to 30 years to see the canopy and we already have one to look at. Mr. Coteus says Sandwich is known for its beautiful shade trees. There are no further comments from the Board. Ms. Reisig motions to close the Public Hearing. Mr. Callahan seconds. The vote is unanimous.

Deliberations

- 4 Factory Street - Scenic Road Permit – Anderson

The Board reviews and discusses the Scenic Road Permit application for 4 Factory Street. The Board unanimously approves, 4-1-0, the Scenic Road Permit. Mr. Dever dissents. The Decision, Findings and Conditions are on file in the Planning & Development office.

New Business

- Lakewood Hills Subdivision Lot Release – 15 Holly Lane – Mogilnicki

Mr. Picard explains this is for the purpose of a lot release. There is an existing house on the lot and the lot is being sold. It was determined that the lot was never released. Ms. Drake says that an attorney called the office to say that he was doing title research on this property and noticed that the lot was never released in the Covenant. Our files include a Release of Covenant which was never signed so it appears to have been intended to be released at some point. Ms. Drake explains the surety process to the Board. The purpose of the lot release is to help clear up any title issues. Ms. Reisig motions for the lot release approval at 15 Holly Lane. Mr. Callahan seconds. The vote is unanimous.

Board Discussion

- Requests for Comment:
  - #22-09: 196 North Shore Boulevard – Special Permit – Creedon
#22-10: 18 State Street – Special Permit – Dimascio
#22-11: 258 Phillips Road – Special Permit – Conlon

The Board reviews and discusses these requests from the Board of Appeals. Ms. Drake explains that FEMA is getting stricter on development in the floodplain. They are looking to the legislature to eliminate fill in a floodplain altogether which will completely stop building in the velocity zone. We are getting to a level where people are beginning to talk about this. As a CRS Community Sandwich has the highest rating on the Cape for what we do in the floodplain. Through the Planning Board we adopted stricter, higher standards for development in a floodplain which is why we are now seeing all of these permits come through. FEMA is getting tighter with regards to what they will accept. The conversation continues as it relates to this matter. The Board decides to forward a comment to the Board of Appeals as it relates to each of the above-referenced requests for comment.

Other Matters Not Reasonably Anticipated

- Mr. Picard thanks Mr. Dever for his contributions as a Board member. Mr. Picard believes it is good to have diversity on the Board because it brings in different thoughts and ideas. Mr. Dever thanks Board members for sharing their knowledge with him.
- Mr. Picard explains that Mr. Darling did not run for re-election. He was unable to attend tonight’s meeting. This would have been his last Planning Board meeting.

Adjournment

Ms. Reisig motions to adjourn. Mr. Coteus seconds. The vote is unanimous. The meeting adjourns at 8:36 p.m.

Respectfully submitted,

Maureen McCabe

Supporting Documents:

1. April 5, 2022 Draft Minutes (6 pages)
2. 15 Holly Lane Request for Lot Release (1 page)
3. Memo to Jeffrey R. Picard, Chair, Planning Board from Sam Jensen, Assistant Town Engineer re: Application for Release of Lot, Assessors' Parcel 24-107- (15 Holly Lane), dated April 13, 2022 (1 page)
4. 15 Holly Lane, Town of Sandwich Planning Board Release from Form E Covenant, Form G (1 page)
6. Letter to Mr. Channing Hoxie from J. Louis Roberti, Chairman, Sandwich Planning Board, dated October 3, 1968 (1 page)
7. Lakewood Hills subdivision map, Registry of Deeds book 205 page 23 (1 page)
8. 18 State Street Special Permit application (41 pages)
9. 196 North Shore Boulevard Special Permit application (27 pages)
10. 258 Phillips Road Special Permit application (39 pages)
11. 4 Factory Street Public Hearing Notice
12. 4 Factory Street Scenic Road Application (4 pages)
13. Email to Maureen McCabe from Craig Geddis, Tree Warden re: Request for Comment: Scenic Road Permit – 4 Factory Street, dated April 13, 2022 (1 page)
14. Memo to Maureen McCabe from David J. DeConto, Director of Natural Resources re: Scenic Road Permit- 4 Factory Street, dated March 29, 2022 (1 page)
15. Email to Maureen McCabe from Sam Jensen, Assistant Town Engineer re: Request for Comment: Scenic Road Permit – 4 Factory Street, dated March 24, 2022 (1 page)
16. Factory Street 11x17 undated sketch (1 page)
17. Site Plan of #4 Factory Street, Sandwich, MA prepared by down cape engineering, inc., dated November 10, 2020 (1 page)