

Town of Sandwich  
THE OLDEST TOWN ON CAPE COD



Board of Appeals

16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508-833-8001  
Fax: 508-833-8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

Minutes  
July 16, 2019

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6 p.m.  
Upper Meeting Room  
270 Quaker Meetinghouse Road

**Present:** Christopher Neeven, Chair; James Killion, Vice-Chair; Robert Jensen; Erik Van Buskirk; Timothy O'Neill; and Gerald Nye

**Absent:** Chase Terrio

**Also Present:** Ralph Vitacco, Director of Planning & Economic Development; Leanne Drake, Assistant Town Planner; and Maureen McCabe, Sr. Administrative Assistant

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

**Approval of Minutes**

Mr. Killion motions to accept the minutes of the meeting held July 9, 2019, as written. Mr. Nye seconds. The motion carries 4-0-2.

**Old Business**

There is no old business to discuss.

**New Business**

There is no new business to discuss.

**Board Discussion**

Mr. Neeven acknowledges receipt of an Open Meeting Law Complaint from Carlo DiPersio dated June 25, 2019. Mr. Vitacco reads the Complaint aloud in its entirety and says that it was received by the Board of Appeals on June 26, 2019. In summary, the complaint alleges a misrepresentation in the Public Hearing Notice due to the omission of the word "community." Mr. DiPersio states in his complaint the word "community" is included in the Town of Sandwich By-Law Section 4150 and he contends the word "community" was intentionally omitted by the applicant.

Mr. Neeven reads aloud a draft response to the Complaint prepared by Town Counsel, which was distributed to the Board via email. The response states that the meeting notice was sufficient in accordance with the Open Meeting Law. Mr. Neeven asks Board members if they



have any comments on the draft response. Mr. Jensen says he has no changes. Mr. Killion motions to adopt the draft response as prepared by Town Counsel and requests that Town Counsel respond directly to the Attorney General's office on the Board's behalf. Mr. Jensen seconds. The vote is unanimous.

**Deliberations**

There are no deliberations.

**Other Matters Not Reasonably Anticipated**

- Mr. Vitacco tells the Board an appeal of the Heritage Special Permit Decision was filed on July 12, 2019. A copy of the appeal will be distributed to the Board.

**Adjournment**

Mr. Killion motions to adjourn. Mr. Jensen seconds. The vote is unanimous. The meeting adjourns at 6:12 p.m.

Respectfully Submitted,



Maureen McCabe

**Supporting Documents:**

1. Draft minutes dated July 9, 2019 (3 pages)
2. Open Meeting Law Complaint Form dated June 25, 2019 (2 pages)
3. Draft response prepared by Michele Randazzo, Esq., Town Counsel (3 pages)