

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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Minutes
July 24, 2018

TOWN CLERK
TOWN OF SANDWICH

SEP 27 2018

12 H 18 M P M g
RECEIVED & RECORDED

6 p.m.
Sand Hill School Community Center
16 Dewey Avenue

Present: Christopher Neeven, Chair; James Killion, Vice Chair; Robert Jensen; Timothy O'Neill; and Gerald Nye

Also Present: Paul Spiro, Building Inspector; Brendan Brides, Assistant Building Inspector; Ralph Vitacco, Director of Planning & Economic Development; Leanne Drake, Assistant Town Planner; and Maureen McCabe, Sr. Administrative Assistant

Absent: Erik Van Buskirk

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

Approval of Minutes

Mr. Jensen motions to accept the Minutes of the meeting held July 10, 2018, as written. Mr. Killion states that some edits have been made to the document since it was emailed to the Board. Ms. Drake says this is because Attorney Madden submitted comments about the draft Minutes. Ms. Drake tells the Board that staff re-listened to the tape and she summarizes the specific edits that were made. Ms. Drake clarifies that the Minutes reflect what was said at the meeting. A copy of the revised draft Minutes has been provided to the Board.

Mr. Jensen motions to accept the Minutes of the meeting held July 10, 2018, as amended. Mr. O'Neill seconds. The vote is unanimous.

Old Business

There is no old business to discuss.

New Business

There is no new business to discuss.

Board Discussion

Mr. Neeven acknowledges the Board is in receipt of materials submitted by Attorney Madden on July 11, 2018. If any Board member believes reopening the Public Hearing is warranted, it will require a vote of the Board, the Public Hearing will be need to be re-



advertised, and then the Public Hearing will be reconvened and reopened at a future date. The Public Hearing for the Request for Modification of Woodside Village Comprehensive Permit at 40 Clipper was closed on July 10, 2018. An open discussion ensues. The Board does not believe any of the materials submitted by Attorney Madden on July 11, 2018, is new information which would warrant the Public Hearing to be reopened.

Deliberations

#18-04 – 40 Clipper Circle – Request for Modification of Woodside Village Comprehensive Permit – Daly

The Board reviews and discusses Petition #18-04.

Mr. Jensen finds that Ms. Daly is not an applicant as required under 40B. Mr. Killion seconds. The vote is unanimous.

Mr. Jensen finds that removing one moderate deed restriction out of the entire 40B would not make this project uneconomic. Mr. Killion seconds. The vote is unanimous.

Mr. Jensen finds that this Board does not have the legal authority to release the moderate deed restriction on 40 Clipper Circle for this applicant based on the way it is defined in 760CMR. Mr. Killion seconds. The vote is unanimous.

Mr. Jensen finds that this Board cannot rule on the request for a Modification of Woodside Village Comprehensive Permit – Daly. Mr. Killion seconds. The vote is unanimous.

The Decision is on file in the Planning & Development office.


Other Matters Not Reasonably Anticipated by the Chairman

The Board recognizes Mr. Spiro's upcoming retirement and thanks him for his years of service and leadership. The Board welcomes Brendan Brides as the new Building Commissioner.

Adjournment

Mr. Jensen motions to adjourn. Mr. Killion seconds. The vote is unanimous. The meeting adjourns at 6:15 p.m.

Respectfully Submitted,


Maureen McCabe

Supporting Documents:

1. Email to Maureen McCabe from Terri Madden re: Board of Appeals Meeting Packet for July 24, 2018, dated July 23, 2018 (1 page)

2. Package of materials submitted to the Board of Appeals by Attorney Madden on July 11, 2018 (33 pages)