Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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Minutes
October 11, 2011

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7:00 P.M.
Present: Christopher Neeven, Chair, Harold Mitchell, Vice Chair, Fred Watt, Robert Jensen, Erik Van Buskirk, and Jim Killion

7:02pm
Approval of Minutes
Mr. Jensen moved the Board approve the minutes of September 27, 2011 as written. Mr. Mitchell seconded. The vote was unanimous.

7:05pm
Variance #11-10
65 Wing Boulevard East
Ostrout
Mr. Neeven read the Public Hearing Notice into the record. He also read the following letter into the record:

- J. j. Burke, Fire Inspector, Town of Sandwich Fire Department, dated September 23, 2011

Mr. and Mrs. Ostrout, applicants were present. Mr. Ostrout addressed the Board and explained that this property had been in his wife's family for years, and they wanted to improve the look of the property. Work had begun last spring, but a stop order was put on \by the Building Inspector. They would like to complete the porch. When they began the addition of the porch they thought that they were able to meet the 30' setback from the road, but later found out they were 3.5' out of compliance.

Mr. Jensen noted that the lot was located in the R2 District and that the lot was created in 1926 which predates zoning. Mr. Spiro said that the 30' setback is generally used for old lots. Mr. Ostrout clarified that they had hired a builder unfamiliar with Sandwich who did not pull a permit to construct the porch; they want to be in compliance. Mr. Jensen asked if there were pictures of other homes in the area; the Ostrouts presented several. Mr. Watt asked what was there prior to the start of the addition of the porch. Mr. Ostrout said that there was a slate walkway with a brick stoop.

Mr. Neeven asked if there was any public comment. There was none.

Mr. Jensen motioned to close the Public Hearing for Variance #11-10, 65 Wing Boulevard East, John and Susan Ostrout. Mr. VanBuskirk seconded. The vote was unamimous.

7:20pm
Special Permit #10-15
68 & 82 Roos Road
Karl/Walter
The applicants, Michael Karl and Cathy Anne Walter, addressed the Board to thank them for their patience and to request that their application for a Special Permit #10-15 be withdrawn without prejudice since they no longer needed zoning relief. Mr. Mitchell moved to allow the applicants, Michael J. Karl and Cathy Anne Walter, to withdraw without prejudice the

application for Special Permit, Petition #10-15, Map #77, Parcels #79 and #82, 68 and 82 Roos Road, Sandwich, MA. Mr. Jensen seconded. The vote was unanimous.

7:24pm
Special Permit #11-07
12 Samoset Road
Fistori
Mr. Neeven read a letter from the applicant, Paul Fistori, asking to withdraw his application without prejudice for a Special Permit #11-07. Mr. Jensen moved to allow the applicant, Mr. Fistori, to withdraw without prejudice the application for Special Permit, Petition #11-07, Map #23, Parcel #297, 12 Samoset Road, Sandwich, MA. Mr. Watt seconded. The vote was unanimous.

7:24pm
Farmview Estates
Modification Request
Attorney Jonathan Fitch was present with Mr. William Yetman. The purpose in coming before the Board was to reduce the size and scope of the 40B project. The number of units would be reduced from 72 down to 52. Mr. Neeven said that he had spoken with Planning & Development Director Greg Smith who feels that this request is insubstantial.

Mr. Yetman told the Board that he had been in discussion with the Town about putting a solar field on the property; the Town would purchase the energy created. There would need to be two separate lots. He also said that it there is a financial deadline of December 31, 2011.

Mr. Jensen asked if the only thing before the Board tonight was the reduction in lot number, which was correct. Mr. Killion asked if there would be any affect on the Open Space issues in the Comprehensive Permit. Mr. Fitch answered that there wouldn't be since there are no density issues. The housing market is not doing that well currently and the company is trying a different idea. This project would also help the Town meet some requirements for becoming a Green Community. The solar field would be out of sight and out of the way. M. Yetman told the Board it would be the back of the parcel which is a sandpit basically. The land would need to be leveled. Mr. Spiro asked how many panels there would be; Mr. Yetman is not sure at the present time.

Mr. Fitch assured the Board that there would be no impact on the neighbors since there would be no change in lot size. Mr. Watt asked how the proposed changes would affect the pro forma. Mr. Yetman said that the percentage of profit does not change since it's based on the number of units. Mr. Killion said that the overall affect of the proposed project looks insubstantial. Mr. Fitch said that they would be back before the Board after the Special Town Meeting and asked to have Lot #950 released from the Comprehensive Permit. Mr. Spiro asked how far from the runway lot #950 is. Mr. Yetman said about ¼ mile.

Mr. Jensen motioned that reducing the number of units from 72 down to 52 and deleting Lot #950 from the Comprehensive Permit would be an insubstantial modification. Mr. VanBuskirk seconded. The vote was unanimous.

7:56pm
Board Deliberation
Variance #11-08
302 Quaker Meetinghouse Road
Golding

The Board reviewed and discussed 302 Quaker Meetinghouse Road, Variance #11-08. The Board voted to deny the variance. The decision is on file in the Board of Appeals public records at the Planning and Development office.

Variance #11-10
65 Wing Boulevard East
Ostrout
The Board reviewed and discussed 65 Wing Boulevard East, Variance #11-10. The Board voted to grant the variance. The decision, findings, and conditions are on file in the Board of Appeals public records at the Planning and Development office.

Mr. Mitchell motioned to adjourn. Mr. Jensen seconded. The vote was unanimous.
The meeting adjourned at 8:20pm.

Respectfully submitted, Marilyn K. Bassett