Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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Minutes
November 22, 2011

7:02 P.M.
Present: Christopher Neeven, Chair, Harold Mitchell, Vice Chair, Fred Watt, Robert Jensen, and James Killion
Paul D. Spiro, Inspector of Buildings
Sam Jensen, Assistant Town Engineer
Absent: Erik Van Buskirk

DEC 15 2011
2:30 PM

7:02pm
Approval of Minutes
Mr. Jensen moved the Board approve the minutes of October 25, 2011, November 8, 2011, and Executive Session, November 8, 2011, as written. Mr. Watt seconded. The vote was unanimous.

7:05pm
ADBI #11-09
8 Fox Trot Run
Romeiser
Mr. Neeven read the Public Hearing Notice into the record. He also read the following letter into the record:

- Jeff Rose, Assistant Superintendent, Sandwich Water District, dated October 20, 2011

Attorney Jonathan Fitch representing the applicants, David and Priscilla Romeiser, addressed the Board. He said that both sides were not actually different; it is a matter of interpretation of the documents. He shared the history of the property from 2003 when Janine Aquillio applied for a change of use for the Rof-Mar property located in the Three Ponds District through the present. There have been several ANR plans approved as well as modifications. The Romeisers are appealing the decision of the Building Inspector to issue a permit for a house to be built on Lot #2. They have no intention of allowing a joint driveway to be built over their lot which would allow access to Lot #2.

Mr. Neeven opened the meeting for public comment. Mr. Craig Larsen, 119 Route 149, Marstons Mills, owner of Lot #2, introduced his consultant, Mr. Art Trayczk, to the Board and said he had a presentation for the Board. He again reviewed the history of the parcels using the same documents that had been provided to all parties by Mr. Larsen. At the conclusion of his presentation, Mr. Trayczk stated that Mr. Larsen is willing to complete the outstanding work that the original owner never finished.

Barbara Shaner, 91 Route 6A, was the chair of the Planning Board when the original permit was issued as the first special permit for the Three Ponds District. She suggested that Mr. Larsen should go before the Planning Board since a new Order of Conditions has been issued. After satisfying the by-laws, a building permit could be issued.

Robert Bokanovich, 7 Fox Trot Run, asked the Board if they have visually seen the two lots to which the Board responded, "yes". He was concerned that property lines were being changed which is not the case.

Mr. Watt motioned to continue the public hearing on ADBI #11-09 to the next Board meeting to be held on December 13, 2011 at 7:15pm. Mr. Jensen seconded. The vote was unanimous.

Board Discussion
8:40pm
Forestdale Village
Attorney Jonathan Fitch, Developer Steve Powers, Robin Wilcox, Sweetser Engineering, and Chris Bailey were present. Mr. Fitch told the Board that the final plan had been put together and the lotting plan was ready for Board signatures.

Mr. Ed Pesce of Pesce Engineering, consultant for the Town, next addressed the Board. He said that there would be a new modification plan because two lots have been moved. The previous modification Sheet 8 showed the distribution of Open Space and the lots.

Mr. Fitch told the Board that there were still many things to be filed. He also said that in order for the financing to be in place, they needed to have the lotting plan signed by the Board.

Mr. Neeven opened the meeting for public comment.

Betty Bourgault, 4 Pine Road, addressed the Board regarding drainage issues on Pine and West Roads and read a letter from the Mashpee Conservation Officer. Mr. Peche is willing to meet with Mrs. Bourgault on site on the Friday after Thanksgiving to view the problem.

The Board agreed to have Mr. Sam Jensen review the lotting plans when they come into the Planning and Development. When he approves the plans, the Board will sign them.

Deliberation
The Board reviewed and discussed 36 Tupper Avenue, Robert and Karen Smith, Special Permit #11-11. The Board voted to grant the Special Permit application with conditions. The decision, findings, and conditions are on file in the Board of Appeals public records at the Planning and Development office.

Mr. Killion motioned to adjourn. Mr. Jensen seconded. The vote was unanimous.
The meeting adjourned at 9:56pm.

Respectfully submitted,
Marilyn K. Bassett