Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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Minutes
December 13, 2011

7:03 P.M.
Present: Christopher Neeven, Chair, Harold Mitchell, Vice Chair, Fred Watt, Robert Jensen, Erik VanBuskirk, and James Killion
Paul D. Spiro, Inspector of Buildings
Sam Jensen, Assistant Town Engineer

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7:03pm
Approval of Minutes
Mr. Jensen moved the Board approve the minutes of November 11, 2011 as written. Mr. Mitchell seconded. The vote was unanimous.

7:03pm
Farmview Affordable Homes, LLC
Substantial Modification Request #11-13
Attorney Jonathan Fitch, representing the applicant, asked the Board to allow the Substantial Modification Request #11-13 to be withdrawn without prejudice. Mr. Jensen so moved. Mr. VanBuskirk seconded. The vote was unanimous.

7:10pm
97 Cranberry Trail
Variance #11-14
Bosworth
Mr. Neeven read the following comment letters into the public record:

- Sandwich Fire Department, J.J. Burke, Fire Prevention Officer, letter dated December 2, 2011
- Sandwich Board of Health, David Mason, RS, CHO, Director of Public Health, memorandum dated November 28, 2011
- Sandwich Water District, Jeff Rose, Assistant Superintendent, letter dated December 5, 2011
- Abutters Marian and Jim McLoughlin, Jason and Marya Caristi, and Kelley and Bill Mawdsley, e-mails with various dates

Attorney Mark Boudreau was present representing the applicant, W. Chandler Bosworth, Jr. He explained to the Board that his client was not adding anything; the purpose of filing for the variance was to "unmerge" 97 Cranberry Trail and 100 Cranberry Trail. After discussing various possibilities for "unmerging" the two lots, Mr. Neeven asked if there was any public comment. There was none. Attorney Ben Losordo, representing a potential buyer said that there is much wetlands on the property. He feels that the application from Mr. Bosworth is a de minimus variance request.

Mr. Jensen moved to close the application for a Variance, #11-14, W. Chandler Bosworth, Jr. for 97 Cranberry Trail. Mr. Watt seconded. The vote was unanimous.

7:40pm
ADBI #11-09
8 Fox Trot Run
Romeiser

Mr. Neeven read the following into the public record:

- Letter from Barbara Shaner dated November 29, 2011

Town Counsel Elizabeth Lane was also present. She summarized the memorandum dated December 13, 2011 for the Board. In her opinion the special permit has expired; the Romeisers needed a special permit to build so close to the pond; and the lots now are not the lots shown on the plan submitted with the special permit application. Both the Romeisers and Mr. Larsen should go before the Planning Board in her opinion.

Mr. Fitch, attorney for the Romeisers, and Mr. Johnson, attorney for Mr. Larsen asked that the public hearing be continued to January 10th due to the late delivery of the memorandum from Ms. Lane. Mr. Jensen moved that the Board continue the public hearing on ADBI #11-09 to the next Board meeting to be held on January 10, 2012 at 7:05pm. Mr. Mitchell seconded. The vote was unanimous.

7:58pm
Deliberation

The Board reviewed and discussed 97 Cranberry Trail, Variance #11-14. The Board voted to grant the variance with conditions. 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. Watt seconded. The vote was unanimous.

The meeting adjourned at 8:22pm.

Respectfully submitted,
Marilyn K. Bassett