Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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Minutes
March 13, 2012

TOWN CLERK
TOWN OF SANDWICH
MAR 29 2012
12 H 10 M P
RECEIVED & RECORDED

7:04 pm
Present: Chris Neeven, Chair, Harold Mitchell, Vice Chair, Erik VanBuskirk, Fred Watt and James Killion
Paul D. Spiro, Inspector of Buildings
Absent: Robert Jensen

7:04 pm
Approval of Minutes
Mr. Mitchell moved the Board approve the minutes of February 14, 2012 and February 28, 2012 as written. Mr. Van Buskirk seconded. The vote was unanimous.

7:05pm
Special Permit #12-05
225 North Shore Boulevard
LoPresti
Mr. Neeven read the Public Hearing Notice and the following comment letters into the record:

- David DeConto, Natural Resources Officer, letter dated February 24, 2012
- J. J. Burke, Fire Inspector, Sandwich Fire Department, letter dated February 27, 2012

Attorney Ben Losordo and architect Anne Michniewicz were present representing the applicants. Atty. Losordo addressed the Board and said that the applicant owned a condo at the end of North Shore Boulevard that had been constructed in 1955. The owners would like to bring their property up to the standard of the rest of the neighborhood. The bedroom count will stay the same with an approximated 5% increase in area. The condo committee has already approved the plan; there is no formal letter from the committee, but Ms. Michniewicz told the Board that she had attended that meeting and could state that there was an approval given.

There was no public comment.

Mr. Mitchell moved that the Public Hearing for 225 North Shore Boulevard, #12-05 for a Special Permit be closed and taken under advisement. Mr. VanBuskirk seconded. The vote was unanimous.

7:15pm
Special Permit #12-02 Continued
8 White Cap Path
Davis
Atty. Brian Wall, Chris Childs, builder, and the applicants were present. Atty. Wall addressed three concerns that had been brought up at the public hearing on February 14th.

- David Mason, RS, CHO, health Agent had expressed concerns regarding the flow to the septic system based on the floor plan originally submitted. Mr. Childs has modified the plan by removing the tub in the upstairs bathroom. Mr. Mason has approved this change.
- The question of adequate frontage had been raised at the same meeting. Mr. wall presented a copy of the Plan #37568C-1 that indicates a variety of frontages from which to make the determination.
- Neighbors had asserted that proposed plans exceeded the authority granted in the condo owners' Master Deed and its amendment. Atty. Wall stated that the plans were in keeping with the amendment. The neighborhood is changing and the applicants would like to bring their property up to modern standards.

Mr. Watt introduced the topic of an adequate turnaround for emergency vehicles. Ms. Davis said she had spoken with the Fire Dept. She was told that "everyone knows the emergency vehicles can't get there now". The Fire Department would access the property from Bay Beach Lane.

Mr. Neeven asked if there was any public comment. Mr. Robert Moore, 2 White Cap Path, expressed the following concerns:

- Anything outside of the foundation is undivided common land
- Adequate access and turnaround
- Frontage

Mr. Edward McCormack, 120 Dillingham Avenue, spoke to the completed size of the condo compared to the other three units on the property.

Mr. Watt motioned to close the Public Hearing for Special Permit #12-02, 8 White Cap Path. Mr. Mitchell seconded. The vote was unanimous.

7:20pm
Deliberations

Special Permit #12-05
225 North Shore Boulevard
LoPresti
The Board reviewed and discussed 225 North Shore Boulevard, Special Permit #12-05. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Board of Appeals public records at the Planning and Development office.

Special Permit #12-02
8 White Cap Path
Davis
The Board reviewed and discussed 8 White Cap Path, Special Permit #12-02. The Board voted to grant the Special Permit 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 8:17pm.

Respectfully submitted,
Marilyn K. Bassett