Town Of Sandwich
APPEALS
THE OLDEST TOWN ON CAPE COD
Drive, Sandwich, MA 02563

AL CO

BOARD OF
16 Jan Sebastian

Phone: 508 833 8001
E-mail: planning@townofsandwich.net

Minutes
April 10, 2012

7:01 pm
Present: Chris Neeven, Chair, Harold Mitchell, Vice Chair, Robert Jensen, James Killion, Erik VanBuskirk and Fred Watt
Nathan Jones, Town Planner, and Paul D. Spiro, Inspector of Buildings

7:04 pm
Approval of Minutes
Mr. Mitchell moved the Board approve the minutes of March 13, 2012 as written. Mr. Jensen seconded. The vote was unanimous.

TOWN CLERK
TOWN OF SANDWICH
MAY 23 2012
1 H 30 M P M
RECEIVED & RECORDED

7:05pm
Special Permit #12-07
585 Route 6A
Cesar
Mr. Neeven read the Public Hearing Notice and the following comment letters into the record:

- J. J. Burke, Fire Inspector, Sandwich Fire Department, letter dated March 16 2012
- David DeConto, Natural Resources Officer, letter dated March 19, 2012

Attorney Julie Molloy represented the applicant, who was also present. Atty. Molloy submitted "style" pictures for the addition of the third bay. She introduced Mr. Cesar at the Board and explained that he currently owns Barnstable Feed and Grain Store. He is looking to continue the existing farm stand selling eggs and veggies. He would like to add products for the backyard chicken farmer such as hay, pellets, oyster shells, warming lights, etc. in the 120' addition.

In response to Mr. Jensen's question of primary or accessory use, she said this would be the primary use. Even though he owns Lot 15 as well as Lot 14, he is only looking at the Farm Stand. In answer to questions raised by the Board, Mr. Cesar stated that he wanted to provide supplies for the backyard chicken farmer and was not looking to turn the property into a feed and grain store. The issue of agricultural use under the State Laws was also raised and discussed by the Board.

Mr. Neeven opened the meeting for public comment. The following addressed the Board:

- Robert Dusseault, 18 Longhill Drive, spoke was the Longhill HOA of 14 residents in opposition as they were concerned that the property would become another Agway. He also expressed concern over the traffic. Currently the vehicles are mostly suvs – he feels that the new business would attract trucks to the area for picking up feed and grain as it is at the Barnstable location of Mr. Cesar's property. The HOA does not believe that this business is in concert with R- 2 zoning. Mr. VanBuskirk and Mr. Killion both reminded everyone that a farmstand is a by-right use. Mr. Dusseault also mentioned that for two years a kayak rental business had operated on the property. Mr.

Dusseault felt that because it had been used for the rental business, the original intent of a farmstand had been abandoned.

- Donald Haviland, 7 Wing Boulevard, stated that he had owned his property since 2009 and had not seen anything remotely retailing in this building. He also asked if the applicant was applying for a new Special Permit or extending the old one. Atty. Molloy said that Mrs. Loring had continued to sell eggs from the property so there was no abandonment. Again the issue of by-right use was explained.
- Brian Lajoie, 21 Wing Boulevard West, Sandwich Downs HOA, wondered why everyone in the association had not been notified but the abutting towns had been. It was explained to him that the abutters were abutter to abutter within 300' of the subject property as certified by the Assessor's office. It is a matter of state law that the abutting towns receive notification of public hearings. He also asked about lot size and what percentage would be agricultural use. Mr. Cesar's lot is approximately 1 and 1/3 acres.
- Betty Haviland, 7 Wing Boulevard, expressed concern with adequate parking. Mr. Neeven assured her that issue could be addressed during deliberations.
- Theodore Wahl, 31 Longhill Drive, commented that for the amount of eggs the owner would be selling it seems he would need a chicken house.
- Jeffrey Hannah, 36 Wing Boulevard West, questioned the abutters list and was told that he would need to speak to the Assessor's office as they were the certifying party.
- William Delaney, 1 Joslin Lane, again asked about the farmstand abandonment. The Board explained that there is no time limit or expiration for a by-right use.

Mr. Mitchell motioned to close the Public Hearing for Special Permit application # 12-07, 585 Route 6A. Mr. VanBuskirk seconded. The vote was unanimous.

7:58pm
Executive Session

Mr. Jensen moved the Board go into Executive Session to discuss negotiations relating to Sandwich Zoning Board of Appeals et al v. Massachusetts Housing Appeals Committee et al Civil Docket # BACV2007-00462-A and reconvene for the purpose of adjourning. The roll call vote was as follows:

Mr. Neeven	Yes
Mr. Mitchell	Yes
Mr. VanBuskirk	Yes
Mr. Jensen	Yes
Mr. Watt	Yes
Mr. Killion	Yes

The Board reconvened at 8:42pm for the purpose of adjourning. Mr. Mitchell moved to adjourn. Mr. Watt seconded. The vote was unanimous. The meeting adjourned at 8:41pm.

Respectfully submitted,

Marilyn K. Bassett