Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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TOWN OF SANDWICH
MAY 23 2012
1 H 30 M P M
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Minutes
April 24, 2012

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

7:04 pm
Approval of Minutes
Mr. Mitchell moved the Board approve the minutes of April 10, 2012 and the minutes for the Executive Session of April 10, 2012 as written. Mr. Jensen seconded. The vote was unanimous.

7:05pm
Special Permit #12-08
379 Route 6A
Molloy
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 April 23, 2012

Mr. Neeven then read a letter from Ms. Molloy requesting a postponement of the application for a special permit. Mr. Jensen moved that the public hearing for Special Permit #12-08, 379 Route 6A, Molloy, be postponed until June 12, 2012 at 7:05pm. Mr. Killion seconded. The vote was unanimous.

7:06pm
Special Permit #12-09
3 The Mall
McHugh
Mr. read the Public Hearing Notice and the following comment letters into the record:

- J. J. Burke, Fire Inspector, Sandwich Fire Department, letter dated April 9, 2012
- David Mason, RS, CHO, Director of Public Health, letter dated April 10, 2012

Attorney John Holmgren and builder Rick Anderson were present for the applicants. Mr. Holmgren told the Board that the lot creation predated zoning and the house was built in 1958. The applicants are looking to tear down and rebuild, increasing the footprint by about 210'. They will also be moving the existing shed to comply with existing Zoning By-laws. Mr. Holmgren stated that the lot is already a pre-existing, nonconforming lot. His clients will not be increasing the non-conformity and do not believe that their plans are substantially more detrimental to the neighborhood.

Mr. Anderson reviewed the history of the property citing past issues with water. He also presented pictures of the neighboring properties. Mr. Killion asked the current height of the structure. Mr. Anderson said it is 26' – 28' with a possible 2' – 3' increase.

Mr. Jensen clarified the zoning as R2 and Mr. Mitchell also clarified that the current bedroom count was three (3).

Mr. Neeven opened the meeting to public comment. The following people commented:

- Attorney Julie Molloy, representing Christopher Downs, 5 Beachway West, and Henry and Barbara Gaumond, 2 and 4 Bemis Road, said that her clients were not opposed to the tear down and rebuild. They are concerned with the increase in nonconformity – "just too much house for the neighborhood".
- Christopher Downs told the Board he is concerned with the significant increase in the height of the new structure and with an increase encroachment in the wetlands area.
- Harry Gaumond said that he did the same tear down and rebuild, but he was not allowed any variance from the footprint at the time, and he is looking for a little fairness from the Board.
- A letter from C.A. Johnson, 9 Beachway West, was presented to the Board. Mr. Johnson is opposed to the project as it is currently proposed. He would support a scaled back plan within the existing footprint. He states that the proposed plans will have a detrimental impact on the neighborhood.

Mr. Anderson said that he would provide exact calculations of the project using a surveyor. When Mr. Neeven asked why the applicants were not going to just rebuild on the existing footprint and add the second story, Mr. Anderson said that it would just not be big enough for the family. Mr. Downs had also written that these plans were for a possible four or five bedroom home. Mr. Anderson assured the Board that there would only be three bedrooms.

Mr. Mitchell motioned that the public hearing for Special Permit #12-09, 3 The Mall, be continued until May 22, 2012 at 7:15pm. Mr. Killion seconded. The vote was unanimous.

Deliberation
Special Permit #12-07
585 Route 6A
Cesar

The Board reviewed and discussed 585 Route 6A, Special Permit #12-07. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Planning and Development Office.

Mr. Mitchell moved to adjourn. Mr. Watt seconded. The vote was unanimous. The meeting adjourned at 8:08pm.

Respectfully submitted, Marilyn K. Bassett