Town Of Sandwich

THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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FINAL COPY

Minutes
July 24, 2012

7:00pm
Present: Chris Neeven, Chair, Harold Mitchell, Vice Chair, Robert Jensen, Erik VanBuskirk, and Fred Watt
Nathan Jones, Town Planner and Paul D. Spiro, Inspector of Buildings
Absent: James Killion

7:03 pm
Approval of Minutes
Mr. Mitchell moved the Board approve the minutes of June 26, 2012 as written. Mr. VanBuskirk seconded. The vote was unanimous.

TOWN CLERK
TOWN OF SANDWICH
AUG 29 2012
9 H 55 M AM
RECEIVED & RECORDED

7:05pm
Special Permit #12-09
3 The Mall
McHugh
Mr. Neeven read a letter from Atty. John Holmgren, Jr. requesting that the site visit and Public Hearing be continued until the regularly scheduled meeting on August 28, 2012. Mr. Jensen moved that the site visit and Public Hearing for 3 The Mall be continued until the meeting to be held on August 28, 2012 at 7:05pm. Mr. Watt seconded. The vote was unanimous.

7:10pm
Special Permit #12-13
190 Main Street
Singelais
Mr. Neeven read the Public Hearing Notice into the record. He also read the following letters into the record:

- Sandwich Water District, Jeff Rose, Assistant Superintendent, letter dated June 26, 2012
- Board of Health, David Mason, RS, CHO, Health Agent, letter dated June 25, 2012
- Sandwich Fire Department, J.J. Burke, Fire Prevention Officer, letter dated June 22, 2012

Amy Singleais, applicant, told the Board she is asking for a Special Permit to rebuild a two story building with a one bedroom apartment on the second floor and a commercial use on the first floor. Previously there had been two offices the second floor. At this time she is not sure what type of retail operation will be in the building. Mr. Jensen asked if he was correct that there are two bathrooms and one bedroom proposed. She agreed with him. The Board also stated that they have no problem with the amount of time it has taken since the fire for Ms. Singelais to submit a Special Permit application. It has taken the insurance company quite awhile to make its settlement. Mr. Spiro told the Board that she has been working with his office right along.

Mr. Neeven asked if there was any public comment. Mr. James Coogan, 187 Main Street, spoke in favor of the project. The only concern that he and his wife Beth have is that if Ms. Singelais plans to have a retail pet supply business in there, they would like to know that there would be no dogs in the back area. There were dogs in pens before that would bark and get the other dogs in the neighborhood excited. Ms. Singelais said that there was one groomer who used to bring her own dog(s) to work and have them in the back yard. She also asked why the neighbors had never come to her with a request that the dogs not be out there. The Coogans did not want to be bothersome. Jonathan Fitch, 16 Great Island Road, also spoke in favor of the applicant. There was no further public comment.

Mr. Jensen moved to close the Public Hearing for Special Permit #12-13, 190 Main Street. Mr. Mitchell seconded. The vote was unanimous.

7:19pm
Board Discussion
Board Reorganization
Mr. Watt nominated Mr. Mitchell as Chair and Mr. Jensen as Vice Chair. Mr. VanBuskirk seconded. The vote was unanimous.

Public Notice Policy
Mr. Jones presented a "Town Policy for Planning and Development Office and Zoning Board of Appeals Agenda Procedure" for Board comment. He explained that this is a reiteration of current policy in place with the addition of requiring applicants who need a Board deliberation, decision, or vote to be placed on the agenda no later than the Wednesday prior to the upcoming meeting. This follows the MA Open Meeting Law guidelines. The Board is fine with the document as written.

8 White Cap Path
Mr. Jones brought the decision for the above address to the attention of the Board. In that decision the square footage of the new structure was listed as 1884 sq. ft.; the plan of record shows it to be 3468 sq. ft. The only plan in the current file is for the second floor only, which was a revision. Mr. Mitchell reminded the Board that the builder took back the original plans. The Board asked Ms. Bassett to contact Patriot Builders for a complete set of plans. The Board also requested that this matter be placed on the agenda for the meeting on August 14th as an agenda item.

Farmview Estates Comprehensive Permit
Atty. Jon Fitch and Bill Yetman, Howland Development, came before the Board to request another reduction in the number of units from 52 to 27 with 7 of them being affordable. With the new solar by-laws now in place, Howland Development wants to have more area for solar development. Mr. Jensen asked if is the multiple family units were still being considered. Mr. Fitch stated that those plans are off the table for now due to the strong opposition by the abutters of the property. Mr. Yetman told the Board that National Heritage has demanded Open Space for box turtles and a particular moth so that the solar project has been reduced for the original plan for 4 megawatts to 3.5 megawatts. Mr. Mitchell asked the average size of the house lots. Mr. Yetman said they are about 15,000 sq. ft. Mr. Jensen moved that the request to decrease the number of housing units from 52 to 27 with 7 affordable lots is an insubstantial modification. Mr. VanBuskirk seconded. The vote was unanimous.

Deliberations
Special Permit #12-13
190 Main Street
Singelais
The Board reviewed and discussed 190 Main Street, Special Permit #12-13. 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. Neeven moved to adjourn. Mr. VanBuskirk seconded. The vote was unanimous. The meeting adjourned at 7:58pm.

Respectfully submitted,
Marilyn K. Bassett