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# Town Of Sandwich

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## BOARD OF APPEALS

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## Minutes October 23, 2012

### 7:05pm

**Present:** Harold Mitchell, Chair, Fred Watt, Christopher Neeven, Erik VanBuskirk, and James Killion

**Absent:** Robert Jensen

**Also Present:** Nathan Jones, Town Planner and Paul Spiro, Inspector of Buildings

### 7:05pm

#### Approval of Minutes

Mr. Killion noted that the minutes of September 25, 2012 did not reflect that he had left the meeting. He then moved the Board approve the minutes of September 25, 2012 as corrected. Mr. VanBuskirk seconded. The vote was unanimous.

### 7:05pm

#### Special Permit #12-16

#### 125 Spring Hill Road and 80 Roos Road

#### Wamester

Mr. Mitchell read a letter into the record from Attorney Jeffrey Ford requesting that the ADBI #12-14 and Variance #12-15 both be withdrawn without prejudice. Mr. Killion moved the Board allow the request to withdraw without prejudice for the ADBI #12-14 and Variance application #125-15 for 125 Spring Hill Road and 80 Roos Road. Mr. VanBuskirk seconded. The vote was unanimous.

### 7:10pm

#### Special Permit #12-16

#### 497 Route 6A

#### DiBiasio/Laham Management

Mr. Mitchell read the Public Hearing Notice into the record. He also read the following comment letter:

- Sandwich Conservation Commission, David J. DeConto, Natural Resources Officer, letter dated October 17, 2012

Mr. Anthony DiBiasio addressed the Board as a representative of his brother Joseph DiBiasio and Auto Drive 1. This company has been in business for 12 years and has four locations. All maintenance and repair of vehicles would be done at the Brockton location. He explained that 97% of the business is done by appointment from web generated leads. At most there would be fifteen to twenty cars on site.

Mr. Killion asked is there would be any street display; there would not be. He then asked if Mr. DiBiasio would mind if the Special Permit were conditioned that way and he would not. Mr. Mitchell had been by the property and asked if there were two apartments, two offices, and two service bays. Mr. DiBiasio told the Board there are three bays, on office on the right, and a small apartment on the left which will allow for on-site management. The Board discussed the use table and other businesses along Route 6A. The Board asked Mr. DiBiasio if he could have the current owner, Joseph Laham, provide a letter stating that he has been using this site for his business. He will do this.

Mr. Watt moved that the Public Hearing for Special Permit #12-16 be continued until the November 13<sup>th</sup> meeting at 7:10pm. Mr. Killion seconded. The vote was unanimous.

**7:25pm**

**Variance #12-17**

**2 Indian Farm Road**

**Torpey**

Mr. Mitchell read the Public Hearing notice into the record. He also read the following comment letters into the record:

- Sandwich Conservation Commission, David J. DeConto, Natural Resources Officer, letter dated October 17, 2012
- Sandwich Fire Department, J. J. Burke, Fire Prevention Officer, letter dated October 9, 2012

Attorney Kevin Kirrane was present for the applicant, William Torpey. The plan submitted with the application show the relocation of the requested addition as a result of an informal meeting that the builder, Frances Mogan, had with the Board earlier this year. The plan shows an 18x20 single story addition. The thick vegetation creates a natural screen from neighbors. A plan drawn by Dave Thulin was presented that shows the distance to each of the abutters with approximately 156" as the closest abutter. Atty. Kirrane state that the topography of the lot shows a significant slope from back to front and the elevation in the front of the lot. Also the shape of the lot also creates a hardship. The applicant is requesting a variance for a 4.8' encroachment into the side/rear yard setback on an almost 65,000 sq. ft. lot.

Mr. Mitchell opened the meeting for public comment. There was none.

Mr. Killion moved the Board close the Public Hearing for Variance application #12-17, 2 Indian Farm Road. Mr. Neeven seconded. The vote was unanimous.

**Deliberations**

The Board reviewed and discussed 3 The Mall, Arthur and Patricia McHugh, Special Permit #12-09. 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.

The Board also reviewed and discussed 2 Indian Farm Road, William Torpey, Variance #12-17. 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. Watt moved to adjourn. Mr. Neeven seconded. The vote was unanimous. The meeting adjourned at 8:12pm.

Respectfully submitted,  
Marilyn K. Bassett