

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



BOARD OF APPEALS

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FINAL COPY

Minutes
November 13, 2012

TOWN CLERK
TOWN OF SANDWICH

FEB 14 2013

V H 30M A M
RECEIVED & RECORDED

7:05pm

Present: Harold Mitchell, Chair, Christopher Neeven, Robert Jensen, Vice Chair, Erik VanBuskirk, James Killion and Fred Watt (Mr. Watt arrived at 7:10pm) Nathan Jones, Town Planner and Paul Spiro, Inspector of Buildings

7:05pm

Approval of Minutes

Mr. Jensen moved the Board approve the minutes of October 23, 2012 as written. Mr. VanBuskirk seconded. The vote was unanimous.

7:05pm

Special Permit #12-18

15 Jan Sebastian Drive Units 1 & 2 of Building D

15 Jan Sebastian Drive LLC

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

- Sandwich Conservation Commission, David J. DeConto, Natural Resources Officer, dated November 8, 2012

Attorney Jonathan Fitch represented the applicants, Scott Rehm and Gil Taylor who are requesting a Special Permit for two condo units for a personal fitness training center. They are already in business as Pro Elite Fitness but are moving from renting to owning the space. They are planning a 1600 sq. ft. matted area with an attached office.

In response to questions from the Board, the applicants supplied the following information:

- The bulk of their classes will be after 5pm to put available parking to double use.
- Hours of operation will be Monday-Wednesday-Friday 8-10am and Monday – Friday 5:30pm to 9:00pm Saturdays will be ½ day and additional private sessions during the days. Evening classes will be held from 5:30pm to 9:00pm Monday – Friday. All classes are supervised.
- Morning classes usually have 8- 10 members; evening classes 20 -25.
- Evening classes allow available parking to have double use; current parking is adequate.
- Units 1 & 2 are currently vacant.

Mr. Mitchell opened the hearing for public comment.

- Mary Trainer, 15 Jan Sebastian Drive, Unit D3, expressed concern that banging against the walls and loud music would impact her space. She also was concerned about who might have access to the facility. Mr. Rehm assured her that the walls would be padded. Two bathrooms and the office space separate the units from the workout bay area. Only Pro Elite instructors or owners will be able to open the facility for classes.
- John Birch, 15 Jan Sebastian Drives, Unit C3, does not see parking as a problem. He is in favor of the business as he would like to see the unit busy.
- Jack O'Conor, 15 Jan Sebastian Drive, Units A2 & A5, is in favor of the business.



- Rick Ryan spoke for himself and three other businesses who could not be present in support of Pro Fitness.

Mr. Jensen moved to close the Public Hearing for Special Permit #12-18, 15 Jan Sebastian Drive. Mr. VanBuskirk seconded. The vote was unanimous.

7:28pm

Special Permit #12-16

497 Route 6A

DiBiasio/Laham Management

The Board had 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. The letter was read into the public record by Mr. Mitchell stating that Mr. Laham has been using the building for his business.

Mr. Killion moved that the Public Hearing for Special Permit #12-16 be closed. Mr. VanBuskirk seconded. The vote was unanimous.

7:33pm

Deliberations

The Board reviewed and discussed 15 an Sebastian Drive, 15 Jan Sebastian Drive LLC, Special Permit #12-18. 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 497 Route 6A, DiBiasio/Laham Management, Special Permit #12-16. 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. Jensen moved to adjourn. Mr. Watt seconded. The vote was unanimous. The meeting adjourned at 7:55pm.

Respectfully submitted,
Marilyn K. Bassett