

FEB 27 2013



Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS

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Minutes
February 12, 2013

FINAL COPY

7:00pm

Present: Harold Mitchell, Chair, Robert Jensen, Vice Chair, Erik VanBuskirk, Christopher Neeven, Fred Watt, and James Killion

Nathan Jones, Town Planner, Paul Spiro, Inspector of Buildings, and Sam Jensen, Asst. Town Engineer

7:00pm

Approval of Minutes

Mr. Watt moved the Board approve the minutes of November 13, 2012 as written. Mr. Jensen seconded. The vote was unanimous. Mr. VanBuskirk also moved the Board approve the minutes of January 22, 2013 as written. Mr. Killion seconded. Mr. Mitchell, Mr. VanBuskirk, and Mr. Killion voted to approve the minutes; the other members of the Board did not vote as they had not been present at the meeting.

7:05pm

Special Permit

#13-01

19 Shore Drive

Pikul Family Irrevocable Real Estate Trust

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

- Jeff Rose, Asst. Superintendent, Sandwich Water District, letter dated January 23, 2013
- J.J. Burke, Fire Inspector, Sandwich Fire Department, letter dated January 21, 2013
- David DeConto, Asst. Director, Natural Resources, letter dated January 25, 2013

Mr. Steven Cook was present representing the applicant, who was also present.

Mr. Spiro addressed the Board to inform them that the lot was created in 1949, which pre-dates zoning; it is a legally non-conforming lot, and the proposed addition would not be increasing the non-conformity. A Special Permit is not necessary given those facts.

Following a short discussion between the Board, Mr. Cook, and the applicant, it was suggested that the Special Permit public hearing be continued for sixty days so that if anything came up in the hearings before the other town Boards that would necessitate a Special Permit, the hearing date was already set. If there is no need for the special permit, the request could then be withdrawn.



Mr. Killion moved that the public hearing for Special Permit #13-01 be continued until April 23, 2013 at 7:05pm. Mr. Jensen seconded. The vote was unanimous.

7:14pm

Board Discussion

Special Permit #13-03

14 Jan Sebastian Drive

Pro Elite Fitness

Mr. Mitchell read a letter from the Planning and Development office requesting a fee waiver for the above application. In November the Board had approved a Special Permit for Pro Elite Fitness. Through no fault of the applicant, the proposed business deal fell through. The applicant is now applying for a permit for the same business at a different location. Mr. Jensen moved that the Board waive the application fee for the applicant. Mr. Watt seconded. The vote was unanimous.

73 Service Road

Hospice Foundation

Mr. Mitchell asked Mr. Sam Jensen if there is an issue with this property since the Variance was issued almost a year ago. Mr. Jensen explained that he has met with the architect Gratton Gill several times to discuss the sight distance where the proposed curb is located. It is very restrictive. Mr. Mitchell said that at the time the applicants were before the Board for the variance, they talked about clearing vegetation to allow for better visibility. Mr. Jensen said that to date no plans have been submitted showing the proposed clearing. After further discussion about possible solutions, it was determined that the matter is between the applicant and the Engineering Department.

Proposed Zoning Changes for Annual Town Meeting

Mr. Jones reported to the Board about the meeting that was held on February 6th to present the proposed zoning to the public. The areas of concern seemed to be along 6A and the Historic Village. Mr. Mitchell asked the Board members to review their packets of information, and let Mr. Jones know if they had any comments.

Mr. Jensen moved to adjourn. Mr. Van Buskirk seconded. The vote was unanimous. The meeting adjourned at 7:40pm.

Respectfully submitted,
Marilyn K. Bassett