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# Town Of Sandwich

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## BOARD OF APPEALS

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MAY 29 2013

Minutes  
April 9, 2013

12:40 P.M. R  
RECEIVED & RECORDED

**7:02pm**

**Present:** Harold Mitchell, Chair, Robert Jensen, Vice Chair, Fred Watt, and Christopher Neeven  
Nathan Jones, Town Planner, Paul Spiro, Building Inspector, and Sam Jensen, Asst. Town Engineer

**Absent:** Erik VanBuskirk and James Killion

**7:02pm**

### Approval of Minutes

Mr. Jensen moved the Board approve the minutes of February 26, 2013 as written. Mr. Watt seconded. The vote was unanimous.

**7:05pm**

### Special Permit #13-04

#### 14 Tupper Avenue

**Chair**

Mr. Mitchell 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 April 4, 2013
- Sandwich Fire Department, J. J. Burke, Fire Inspector, letter dated March 21, 2013
- Sandwich Conservation Commission, David DeConto, NRO, letter dated March 20., 2013

Attorney Ben Losordo represented the applicants. He explained to the Board that the proposed deck with a garage under it would make the property less non-conforming than it is at the present time. Under Section 2420, paragraph 2 of the Zoning By-Laws, if a proposed alteration, reconstruction, extension or structural change does not increase the non-conformity (paraphrased) a Special Permit is not necessary.

The Board agreed with Atty. Losordo that this was the case and no permit would be necessary. Mr. Jensen moved that Special Permit #13-04, 14 Tupper Avenue, be withdrawn without prejudice under Section 2420, paragraph 2. Mr. Neeven seconded. The vote was unanimous.

**7:12pm**

### Modification Request

#### Comprehensive Permit #09-23

##### Forestdale Village

##### Rte. 130 & Pimlico Pond Road

Attorney Jon Fitch and applicant Steve Powers were present. Mr. Mitchell read the following letter into the record:

- David B. Mason, RS, CHO, Director of Public Health, letter dated April 8, 2013

Atty. Fitch asked the Board to consider the request for modification of Special Permit #09-23 insubstantial. The submitted requests were to basically correct some clerical errors. Mr. Jensen asked about #5 regarding driveway accommodations for aging in place homes. Mr. Powers said that the semi-circular driveway makes it easier to get off people who use walkers or wheelchairs. These driveways would only be installed on an as-needed basis. Sam Jensen said that this type of driveway avoids backing out onto Pimlico Pond Road. He also noted that his department tends to limit curb cuts. Mr. Jensen then asked what this type of driveway does to the lot coverage. Mr. Powers answered that it would bring the lot coverage to about 60%. There would be a stamped apron with shells. There would be a separate concrete walkway for handicapped accessibility.

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

Mr. Jensen motioned that the requested modification be considered insubstantial with the following language for Section 5, Condition 20: "clarify and confirm that the site plan for any house that incorporates handicapped or aging in place design features may include semi-circular driveway, excluding those that are contiguous/concurrent on the same street or Pimlico Pond Road". Mr. Watt seconded. The vote was unanimous.

### **Board Discussion**

#### **Forestdale Village**

##### **Modification Requests**

Mr. Fitch addressed the Board. In order for Mr. Powers to move forward, he is requesting a letter from the Board formally granting Lots O & P to the Thompsons. The letter needs to state that Lots O & P are not part of the comprehensive permit for Forestdale Village. Mr. Jones has already provided a letter. Mr. Mitchell will sign the letter when it is ready.

Mr. Fitch then discussed with the Board a request for a waiver of the Subdivision Rules and Regulations for the light extension of Pine Road and West Road. A turnaround has already been put in. After further discussion and input from Mr. Sam Jensen, Mr. Bob Jensen said that this request needs to be advertised and put before the abutters as well as the Board. The rest of the Board agreed. Mr. Fitch will submit a modification request in writing.

Next Mr. Powers wondered if there might be some way to proceed with road construction prior to May 28, 2013, when his modification request will be before the Board. He explained that peer review engineer Ed Pesce is currently serving in Kuwait so that changes and ideas are done via e-mail. He submitted a large packet of correspondence between himself and Mr. Pesce regarding his comments on the latest changes to the plan. Mr. Powers noted that in any project, there are always field changes as it moves forward that are addressed by the road builder, engineers, etc. When Mr. Pesce returns to the States for a brief stay, Mr. Powers would like to have a meeting with him and other key players to address highlighted issues in recent e-mails. Mr. Jensen asked Mr. Sam Jensen if he is comfortable with Forestdale Village moving forward at this time. Mr. Sam Jensen would like to hear further from Mr. Pesce. Mr. Powers then said that there is a technical issue in that the construction plans need to be signed. The Board agreed to allow construction of the road to access the first 40 lots only at this time.

##### **Proposed By-law Amendments for ATM**

Mr. Mitchell requested that the Board endorse the proposed by-laws for the annual town meeting. He feels that these changes will only help the Board in making decisions going forward. He will put together a letter and ask for Board comment.

Mr. Watt moved to adjourn. Mr. Neeven seconded. The vote was unanimous. The meeting adjourned at 8:28pm.

Respectfully submitted,

Marilyn K. Bassett