

**Town Of Sandwich**  
THE OLDEST TOWN ON CAPE COD



FINAL COPY

**BOARD OF APPEALS**

16 Jan Sebastian Drive, Sandwich, MA 02563  
Phone: 508 833 8001  
Fax: 508 833 8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

**Minutes**  
**July 9, 2013**

**7:02 pm**

**Present:** Harold Mitchell, Chair, Robert Jensen, Vice Chair, Erik VanBuskirk, Chris Neeven, and James Killion  
Paul Spiro, Building Inspector, Nathan Jones, Town Planner

**Absent:** Fred Watt

**Approval of Minutes**

Mr. Killion moved that the Board approve the minutes of the May 28, 2013 as written. Mr. VanBuskirk seconded. The vote was unanimous.

**7:05 pm**

**Forestdale Village**

**Modification Request**

Mr. Mitchell read an email from Attorney Jonathan Fitch requesting that the pending Request for Insubstantial Modification of the Forestdale Village Comprehensive Permit be withdrawn without prejudice.

Mr. Killion moved the Board to accept the request for withdrawal without prejudice for the Forestdale Village Comprehensive Permit. Mr. Neeven seconded. The vote was unanimous.

**7:10 pm**

**Special Permit #13-06**

**354 Phillips Road**

**Atkins**

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

- David DeConto, Natural Resources Officer, letter dated June 19, 2013
- Sam Jensen, Assistant Town Engineer, letter dated July 3, 2013
- J. J. Burke, Fire Inspector, letter dated June 21, 2013

Attorney Losordo and Mr. Atkins were present. Mr. Atkins will be the buyer of the property based on permitting. Mr. Losordo explained that the property covers 2.3 acres and currently has ten cottages that rent year round. Mr. Losordo further stated that he had checked with the Police Department and that they provided him with copies of at least thirty-eight incidents. The property is not in good shape. There are ten cottages on a single lot three are two bedrooms and the remainder are one bedroom. This is in the R-1 District. Mr. Losordo gave more history on the property and said that the buyer would like to cut the lot in half and build one main house and one two bedroom cottage on each lot. The density will be a lot less than the abutters. They are proposing a five & a four bedroom house and two, two bedroom houses.

Mr. Killion asked how it was determined that the cottages have been year round. Mr. Losordo said he went to Voter Registration and determined they have been rented year round for at least fifteen years.

There was a lengthy discussion which included buffing, number of bedrooms and septic and dividing the lot.

Mr. Mitchell asked if there were any comments from the public.

TOWN CLERK  
TOWN OF SANDWICH

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Mr. Paul Dawson of 248 Phillips Road wanted to know if the cottage can be sold separately from the house or would they be sold together. Also, is there one septic for both? He also wanted to know if he bought a lot in the future and connected to his septic could he build another house.

Mr. Al Taylor of Canal Land Surveying said there is one septic system for each lot. They cannot be separated.

Mr. Mitchell asked Mr. Spiro if he could provide any additional information.

Mr. Spiro, the Sandwich Building Inspector told Mr. Dawson that according to Board of Health regulations you cannot expand an existing system to accommodate more bedrooms.

Mr. Edward Maybury of 254 Phillips Road expressed concerns about the paving of the road since it is private road and he wondered if the applicant would provide a bond to cover damage to the road. What plans have been made?

Mr. Spiro said that the town is not responsible for private road.

Mr. Losordo said that the applicant is not going to destroy his road. That is the idea of the apron. He said the applicant would fix whatever damage he causes.

Mr. Chuck Kiklis of 353 Phillips Road asked if the cottages on the property would be rentals. Mr. Losordo said they would be for family but they could be rentals. Mr. Kiklis said he has concerns with rentals.

Ms. Sarah Regan of 42 Triangle Circle asked if the lots would still be nonconforming when they become two lots and also she had concerns about the height of the new homes.

Mr. Burbank of 25A Beachway Road, East Sandwich said he also had concerns about the height factor.

Ms. Stella Maybury of 254 Phillips Road wanted to know if she could add an additional cottage to her property and use her septic system. Mr. Spiro suggested she contact Mr. David Mason of the Board of Health for clarification.

Ms. Elaine Kiklis of 353 Phillips Road spoke in favor of the project but more specifically to the two homes not in favor of the rentals.

A question of lot coverage and the tennis court was asked. This information will be obtained.

Mr. Atkins, the applicant, addressed the Board and said he plans on building the homes for his retirement and family but is not sure he would not rent or sell the cottages. He said he plans on living there and would certainly not rent or sell to someone who was a problem. He has owned summer rental cottages in the area for thirty-five years and the Health Inspector didn't know him which means there were no problems. He has four children who will own the homes one day.

Mr. Jensen said the board will require a new plan with lot coverage.

Mr. Jensen moved to continue the Special Permit #13-06 for 354 Phillips Road until July 23, 2013 at 7:05 P.M. Mr. Killion seconded. The vote was unanimous.

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**7:52 P.M.**

**Farmview Estates**

Mr. Mitchell said the Board would move on to the endorsement of the Land Court confirmation of lot reduction for Farmview Estates.

Attorney Fitch and Mr. William Yetman were present. Mr. Fitch gave a history of the application. It was a year ago when the town adopted a new Bylaw establishing Green Energy at this property. The Comprehensive Permit plan is the only plan of record. The lots were changed from seventy-two to fifty-two to twenty-seven and the Board of Appeals approved it as an insubstantial modification which was filed with the Town Clerk. This comes under your jurisdiction. This is a Land Court requirement at the Registry of Deeds and needs your signature.

Mr. Jensen moved the Board to accept this Plan for Farmview Estates dated July 8, 2013. Mr. VanBuskirk seconded. The vote was unanimous.

**Candidate Interview**

Mr. Mitchell introduced Mr. Donald Barber to the Board explained that both he and Mr. Jones had met with Mr. Barber several weeks ago. Mr. Mitchell said that Mr. Barber had a background in insurance and had moved to Sandwich as a full time resident and gave a brief history.

Mr. Barber said he has owned a home in Sandwich for thirty-five years where he and his family came for weekends and vacation.

Mr. Barber was asked if any other boards were asking him to serve. He said he appeared before another board but the Zoning Board of Appeals was his preference.

After several questions from Board members, Mr. Mitchell thanked Mr. Barber and told him that the Board would be in touch with him in a few days.

After Mr. Barber left the Board discussed Mr. Barber and it was agreed that he would be asked to serve.

**Discussion**

Sarah Regan, who also serves on the Planning Board, was present and asked the Board's feeling about cottage colonies being demolished and also height.

Mr. Jones responded and said it was the general consensus that the height restrictions had just been raised and it would challenge the architectural integrity. Further discussion continued on condominimizing cottages. Mr. Killion was not in favor.

Mr. Jensen made a motion to adjourn. Mr. Neeven seconded. The vote was unanimous.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,  
Maureen Carty