

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



BOARD OF APPEALS

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Minutes
July 23, 2013

7:02 pm

Present: Harold Mitchell, Chair, Erik VanBuskirk, Chris Neeven, James Killion, Fred Watt, Paul Spiro, Building Inspector, Nathan Jones, Town Planner

Absent: Robert Jensen

7:05 pm

Special Permit Continued #13-06

354 Phillips Road

Atkins

Mr. Losordo and Mr. Atkins were present. The Board received a new plan. Mr. Losordo discussed lot size and also said that he represented to the Board that it was one lot but the lot has been subdivided by the present owner into two in order to get orders of condition. A lengthy discussion followed regarding non-conforming and pre-existing use.

Mr. VanBuskirk asked if once you subdivide and cleared two new lots is it not pre-existing, non-conforming? Does it have protection because of what it was in the past? Mr. Killion agreed with Mr. VanBuskirk that they are both legal. The question is does what was there before carry through as pre-existing, non-conforming.

Mr. Killion asked Mr. Jones for his opinion. Mr. Jones gave an example of a lot with a large motel on Route 6A being subdivided into two for restaurant A and restaurant B in the same spot decreasing the non-conformity, pre-existing...it is still zoned R-2 which needs a single family home. Are we looking at a variance or a special permit for non-conformity?

Mr. Mitchell agreed that he felt it would require a variance

Mr. Watt said he would like to speak with Town Counsel.

Mr. Atkins asked if he would like to take lot #1 and add a single home can he do this as a matter of right without permits. On lot #2 can he maintain the seven units. The Board would like to seek advice from Town Counsel on this issue. The Board said he certainly can build a house on lot #1.

Mr. Atkins asked Mr. Spiro for his opinion. Mr. Spiro said by cutting the lot in two it became a lot governed by 2013 Bylaw. You can build according to the Zoning Bylaw. What will muddy the application are the two cottages. They taint the lots.

Mrs. Atkins, wife of Mr. Atkins, of 203 Lindburgh Road, Needham, MA, asked if the cottages could be put up at a later date.

Mr. Jones said it would be better to wait for an opinion from town counsel.

Mr. Mitchell asked for comment from the public.

Mr. Al Sherman of 363 Phillips Road spoke in favor of the application.

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Board of Appeals Minutes

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Mr. Mitchell asked if there were no more comments from the public he would request Mr. Jones to get an opinion from Town Counsel.

Mr. Killion moved the Board to continue the Public Hearing for Special Permit 13-06 for 354 Phillips Road, Atkins, until August 13, 2013 at 7:10 P.M. Mr. Van Buskirk seconded the vote was unanimous.

7:34 P.M.

Mr. Mitchell introduced Mr. David Schrader to the Board. Mr. Schrader expressed an interest in serving on the Board of Appeals. Mr. Mitchell asked Mr. Schrader to give the Board a brief history of this background.

Mr. Schrader told the Board that he had been in teaching for thirty-five years and has an interest zoning and gave some more information about himself.

Mr. Mitchell asked if any of the Board members had any questions. There were none. Mr. Mitchell told Mr. Schrader that the Board would review his application and submit the application to the Board of Selectmen.

The Board discussed new membership and agreed that they would like two alternates. The Board is recommending Mr. Barber and Mr. Schrader as alternates.

Mr. Mitchell brought up the subject of cottage colonies and suggested that the Board look at the wording. He further explained that it would be to get the cottage colonies in town to a point where it is more of a situation where year round use can be enforced.

ANR's were also discussed.

Mr. Mitchell informed the Board that he had been appointed as the Town Representative to the Cape Code Commission. He also said he would remain on the Board of Appeals since he appreciates what this Board accomplishes and it is felt that there is no conflict of interest.

Mr. Neeven moved to adjourn. Mr. Killion seconded. The vote was unanimous. The meeting adjourned at 7:55 P.M.

Respectfully submitted,
Maureen Carty