



BOARD OF APPEALS

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Minutes
August 13, 2013

FINAL COPY

7:02 pm

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

Approval of Minutes

Mr. Jensen made a motion that the Board accept the minutes from July 9, 2013 and July 23, 2013 as written. Mr. Neeven seconded. The vote was unanimous.

Mr. Mitchell read a letter to the Board from the Cape Cod Commission regarding Greenwood Meadows.

7:05 pm

Special Permit Amendment #13-07

76 & 80 Tupper Road

89 Route 6A, LLC

Mr. Mitchell read the Public Hearing into the record. Mr. Mitchell read the following letter into the record:

Mr. David DeConto, Natural Resource Officer, letter dated 7-23-13

Mr. Stephen Hayes, attorney for the applicant was present. Mr. Hayes distributed information to the Board. He further explained that this is a mixed-use development on Tupper Road approved under a Special Permit under Affordable Housing Bylaw. Mr. Hayes said his client is requesting that the designated affordable units be changed. Mr. Hayes further explained that there are six townhouses that are three stories high and three one story apartments. There is a commercial building on Tupper Road on the first floor and the three residential units on the second floor all are one story. His client is requesting that rather than three townhouses and one apartment be affordable it would be three apartments and one townhouse affordable.

Mr. Mitchell asked about the loss of square footage to the affordable units. Mr. Hayes said they would be losing about nine hundred square feet.

Mr. Mitchell asked if there were any questions from the Board. There were none.

Mr. Mitchell asked if there was any public comment.

Ms. Sarah Regan of 42 Triangle Circle said she didn't feel that the change was equal in square footage and said you are offering smaller and not as nice for the affordable.

Mr. Jensen made a motion to close and take under advisement the Special Permit #13-07 for 76 & 80 Tupper Road, 89 Route 6A, LLC. Mr. Watt seconded. The vote was unanimous.

TOWN CLERK
TOWN OF SANDWICH

NOV 27 2013

5 H 30 M A MSL
RECEIVED & RECORDED

Board of Appeals Minutes

August 13, 2013

7:10 P.M.
Special Permit #13-06
354 Phillips Road
Atkins

Mr. Losordo and Mr. & Mrs. Atkins were present.

Mr. Mitchell said at the last meeting the Board had asked for more information from Town Counsel. We have provided that information to the all members via email.

Mr. Mitchell read the following from Town Counsel's letter:

"In summary, it is my opinion that the Property retains its status as a preexisting, nonconforming use and that the Board may grant relief pursuant to G.L.c.40A, Section 6 and Section 2420 of the Bylaw to allow a change of nonconforming use, provided the Board finds that the proposed change of use to single family dwellings with guest cottages on two separate lots (to be conveyed into separate ownership) is not substantially more detrimental to the neighborhood."

Mr. Mitchell asked for any public comments. There was none.

Mr. Jensen made a motion to close and take under advisement Special Permit #13-06 for 354 Phillips Road, Atkins. Mr. Watt seconded. The vote was unanimous.

7:15 P.M.
Appeal of the Decision of the Building Inspector #13-08
18 Newtown Road
Roy

Mr. Mitchell read a comment email from Mr. Rand, the person whose Special Permit is being appealed. Mr. Rand is requesting that the Public Hearing be continued until the Board's August 27, 2013 meeting.

Mr. Jensen said Mr. Rand is not the applicant. Mr. Killion said he felt the Board should open the meeting. Mr. Jensen made a motion to open the Public Hearing for Appeal of the Decision of the Building Inspector #13-08, 18 Newtown Road, Roy. Mr. Killion seconded. The vote was unanimous.

Mr. Mitchell read the Public Hearing into the record. Mr. Mitchell also read the following memorandum into the record:

- Letter from David DeConto, Natural Resources Officer, dated 7-29-13

Mr. Roy was present and addressed the Board. He distributed information to the Board regarding the construction of a metal garage on his neighbor's property. Mr. Roy said the structure will be 40 X 50 foot and he feels it is not appropriate for a residential neighborhood. There was Board discussion about size and height and location of the garage. Also discussed were the various items that the homeowner has on his property that will be stored in the garage. Mr. Spiro gave input.

Mr. Roy would like the Board to reconsider Mr. Rand's application.

Mr. Mitchell asked for any comment from the public.

Mr. John Green of 4 Ann Circle was opposed based on the size of the garage.

Mr. Jensen made a motion to continue Appeal of the Decision of the Building Inspector #13-08, 18 Newtown Road, Roy until 7:00 P.M. on August 27th, 2013. Mr. Neeven seconded. The vote was unanimous.

Board Discussion

Historical Village District Zoning

Mr. Jones gave the Board a quick update to the Planning Board's discussion of the proposed Historical District boundaries and expansion of space.

The Board also went through the Use Tables. The Planning Board is also proposing another public outreach session.

Mr. Mitchell asked if there was anything else to be discussed before deliberations.

Mr. Mitchell also said that all agenda items in the future will start at 7:00 P.M.

Deliberations

Special Permit #13-06

354 Phillips Road

Atkins

The Board reviewed and discussed 354 Phillips Road, Special Permit #13-06. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Planning and Development Office.

Special Permit Amendment #13-07

76 & 80 Tupper Road

89 Route 6A, LLC

The Board reviewed and discussed 76 & 80 Tupper Road, Special Permit Amendment #13-07. Mr. Jensen made a motion to deny the Special Permit Amendment because the change did not meet the requirements of Sandwich Protective Zoning Bylaw 2540, Section C as previously approved. Mr. Watt seconded. The vote was unanimous.

Mr. Neeven made a motion to adjourn. Mr. Watt seconded. The vote was unanimous. The meeting adjourned at 8:28 P.M.

Respectfully submitted

Maureen Carty