

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



**BOARD OF APPEALS**

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**Minutes**  
**August 27, 2013**

**7:00pm**

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

Nathan Jones, Town Planner, and Paul Spiro, Inspector of Buildings

**7:00pm**

**Approval of Minutes**

Mr. Jensen moved the Board approve the minutes of August 13, 2013 as written. Mr. VanBuskirk seconded. The vote was unanimous.

**Special Permit #13-08 Continued**

**18 Newtown Road ADB**

**Roy**

Mr. Mitchell said that the Public Hearing had been opened at the meeting held on August 13<sup>th</sup>; the hearing was continued to August 27<sup>th</sup> in order to hear from Mr. Rand, who holds the building permit for the garage. Mr. Mitchell also said that he feels that this is a basic aesthetics complaint.

David Rand, Nancy Rand, and Michael Rand were present. He and his wife bought their property last fall because of the size of the lot which would allow for the size garage he needed to house his "toys". Mr. Rand told the Board that he had spoken with all his neighbors telling them he wanted to plant trees, put a fence, and build a garage. There seemed to be no objection. Mr. Killion noted that the only problem might be with lot coverage since everything else meets the zoning code rules. Mr. Spiro said that the lot coverage is only 11%.

Mr. Roy, who filed the appeal, presented the Board with a new handout. He said that when he heard the word "garage" he thought of the typical residential type; the proposed structure does not fit in the neighborhood.

Mr. Jensen asked if Mr. Rand is planning to run a business out of the garage. He stated he is not. He also told those in attendance that the Board can only rule on by-law issues based on the Zoning By-laws approved by the Town at Town Meeting. Without a zoning violation, the Board cannot overturn the decision of the Building Inspector. Mr. Mitchell said that Mr. Rand has met all the zoning requirements, and it is an issue between two neighbors.

Mr. Jensen motioned to close the Public Hearing #13-08, 18 Newtown Road, and take the matter advisement. Mr. VanBuskirk seconded. The vote was unanimous.

**7:10pm**

**Board Discussion**

**Deliberation**

The Board reviewed and discussed 18 Newtown Road, Special Permit #13-08. The Board voted to deny the Appeal of the Building Inspector. The decision is on file in the Board of Appeals public records at the Planning and Development office.

Mr. Mitchell reminded the Board that the Public Outreach Meeting for the proposed zoning changes for the Special Town Meeting this fall would be held on September 3, 2013.

Mr. Neeven moved to adjourn. Mr. Watt seconded. The vote was unanimous. The meeting adjourned at 7:24pm.

Respectfully submitted,

Marilyn K. Bassett

TOWN CLERK  
TOWN OF SANDWICH

SEP 12 2013

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RECEIVED & RECORDED