



Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

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BOARD OF APPEALS

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DEC 23 2013

**Minutes
November 12, 2013**

7:00pm
L H 45 M P
RECEIVED & RECORDED

Present: Harold Mitchell, Chair, Robert Jensen, Vice Chair, Erik VanBuskirk, Christopher Neeven, James Killion, and David Schrader

Also Attending: Nathan Jones, Town Planner, Paul Spiro, Inspector of Buildings, and Sam Jensen, Asst. Town Engineer

7:00pm

Approval of Minutes

Mr. Schrader moved the Board approve the minutes of October 22, 2013 as written. Mr. Jensen seconded. The vote was unanimous.

ADBI #13-11

4 Windmill Bog Way

Juros

Mr. Mitchell read the reason for the appeal again. He also referenced letter from Claire LaMontagne and John Williams.

Mr. John Juros and Mrs. Karen Juros, 91 Cranberry Trail, were present. Mr. Juros read a statement of his reasons for filing the appeal. (Mr. Juros had previously submitted a packet of information which is on file in the Planning & Development office). Mr. Mitchell asked Mr. Juros if the main objection is that the shed shouldn't be there. Mr. Juros responded that the shed should not be within the 40' right of way.

Mr. Mitchell opened the meeting for public comment:

- Mary McLoughlin, 56 Cranberry Trail rebutted Mr. Juros' saying that he has been sued by neighbors
- Gabrielle Sullivan, 38 Cranberry Trail, spoke in favor of the shed

Atty. John Fitch represented Mr. and Mr. Caristi. He said that his clients support the decision of Mr. Spiro and that the burden of proof is on the Juros'. Mr. Fitch told the Board that in 1971 subdivision plan there is a cart path behind Lot #13. There was a lengthy discussion between the Board and Mr. and Mrs. Juros regarding the history of easements, the right of way, and numerous surveys that have been done for Cranberry Trail. Mr. Killion asked Mr. Spiro if he had any comment; Mr. Spiro concurred with Mr. Fitch.

Mr. Jensen moved to close the Public Hearing for 4 Windmill Bog Way, ADBI #13-11. Mr. Schrader seconded. The vote was unanimous.

Special Permit Amendment #13-12

Simi II LLC and James Chace

14B Jan Sebastian Drive

Mr. Neeven recused himself.

Attorney Tim McNamara, representing Cape Cod BioFuels, and James Chace, President, were present. The Board had requested more information at the last meeting regarding traffic generation and traffic flow and copies of any certificates that had been issued for the business. In response to questions from the Board, Mr. Chace said that if too many vehicles were waiting for fuel, they could go

to a regular diesel station. Atty. McNamara asked if the Board would consider a limited approval, either conditional or short term. Mr. Killion pointed out that the Board had done this on other Special Permits.

Mr. Spiro asked Mr. Chace for a certified plot plan showing vehicular movement rather than just a Google map of the property. He wants to see the entrance to the facility off Jan Sebastian Drive to better assess the traffic flow. Mr. Mitchell was not convinced that Mr. Chace had shown the Board enough to satisfy the previous requests from the Board particularly traffic flow, parking and turnaround space for vehicles. Mr. Chace will provide a plot plan to the Board. This should satisfy the above concerns. Mr. Jensen suggested that the plan be drawn to the scale that would show that a WB500 can turn around.

Mr. VanBuskirk moved that the public hearing for Special Permit Amendment #13-12, 14B Jan Sebastian Drive, be continued to December 10, 2013 at 7pm. Mr. Jensen seconded. The vote was unanimous.

32 Route 6A

Shawme Animal Hospital

Modification of Plan Request

Applicant David Romeiser was present. He would like to reduce the size of his original building from 3400 sq. ft. to 2300 sq. ft. with a two bedroom apartment on the second floor. The parking would remain the same. After a short discussion, Mr. Jensen moved that the Board grant this modification to the original plan. Mr. Killion seconded. The vote was unanimous.

Board Discussion

Mr. Mitchell serves as the Sandwich representative to the Cape Cod Commission. He reviewed current projects under review at the Commission that have significance to Sandwich.

Mr. Mitchell also informed the Board that three responses to letters about the proposed FEMA maps had been received. Two were considered to be comments and one is being reviewed. The letters are on file in the office for the Board to read.

The Board asked Mr. Jones if he had an update on the Evsun Drive property that Habitat for Humanity has expressed interest in developing. He told the Board that more research is being done.

Deliberation

The Board reviewed and discussed 4 Windmill Bog Way, Special Permit #13-11. 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. Schrader moved to adjourn. Mr. Jensen seconded. The vote was unanimous. The meeting adjourned at 8:36pm.

Respectfully submitted,

Marilyn K. Bassett