

Town Of Sandwich

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BOARD OF APPEALS

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Minutes
December 10, 2013

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7:00pm

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

Absent: Christopher Neeven

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

7:00pm

Approval of Minutes

Mr. Jensen moved the Board approve the minutes of November 12, 2013 as written. Mr. Schrader seconded. The vote was unanimous.

Special Permit Amendment #13-12 Continued

Simi II LLC and James Chace

14B Jan Sebastian Drive

Mr. Mitchell read a request from Atty. McNamara that the public hearing be continued until the meeting to be held on January 14, 2014. Mr. Jensen moved that the public hearing for Special Permit #13-12, 14B Jan Sebastian Drive be continued to January 14, 2014 at 7pm. Mr. Killion seconded. The vote was unanimous.

Forest Village

Modification Determination

Powers

Mr. Gregory Powers was present representing developer Steve Powers. Mr. Powers brought the Board up to date on progress at the site. There has been a site inspection; the turn around has been enlarged. There are no problems with run-off on either Pine or West Roads. The modification that is being requested regards construction of the extensions to Pine Road and West Road. Mr. Powers is asking the Board waive strict compliance with the rules and regulations of the Planning Board to the extent necessary to allow for paving the surface of the extensions over the road base already constructed and approved by Engineering.

Mr. Jensen moved that the Board find this request to be an insubstantial modification. Mr. Killion seconded. The vote was unanimous. Mr. Killion reminded Mr. Powers that this vote just indicated that it was a minor modification. He still needs to come before the Board with plans and engineering comments from the Town Engineering Department and Ed Pesce who has been doing the peer review for Forestdale Village. Mr. Powers indicated that he understood this.

Special Permit #13-13

11 Jan Sebastian Drive

Martin

Atty. Jon Fitch represented the applicant, Patrick Martin, who is applying to begin a business. His car repair business will be in an 1176 square foot space. Mr. Martin is a BMW specialist who may hire one employee eventually. There will be minimal parking as most of his business will be drop off/pick up.

The compressor will be the only noise so it should not create a nuisance. The property lies within the Water Recharge District – the Board of Health has approved this disposal and containment plans. Mr. Martin has five parking spaces with room for three cars inside. He will be working alone in the beginning from 7am – 6pm five days a week with the possibility of some Saturday work. Mr. Jensen commented that if the Board of Health is satisfied with the containment and disposal of oils and automotive fluids, then that's good enough for him.

Mr. Mitchell asked for public comment. There was none.

Mr. Jensen motioned to close the public hearing for Special Permit #13-13, 11 Jan Sebastian Drive. Mr. Schrader seconded. The vote was unanimous.

Board Discussion

Tupper Road Affordability Regulations

Mr. Jones has been in contact with Paula Schnepf, Sandwich Housing Authority, and the Masachi family regarding the nine affordable units at 76 and 80 Tupper Road. Mr. Greg Donahue, 12 Moody Drive, was also present for the discussion as he is assisting the Masachi family with the real estate. The discussion centered on the Board's interpretation the zoning by-law. Under the current by-law, these affordable units would fall under Accessory Dwelling Units. The Board agreed that the intent was to add these units to the housing inventory for the town with a monitoring agency in place. Mr. Jones told the Board he would communicate this to Atty. Adam Driscoll and the Sandwich Housing Authority.

Mr. Jones then asked the Board how they felt about holding a joint meeting with the Planning Board for a variance and a special permit application for a possible cell tower. It was suggested to check into Federal policy regarding cell towers to see if there is a provision that would trump local laws. The Board concluded that this request should be treated the same as a request from anyone else who has to appear before several Boards.

Deliberation

The Board reviewed and discussed 11 Jan Sebastian Drive, Special Permit #13-13. The Board voted to grant the Special Permit. The decision is on file in the Board of Appeals public records at the Planning and Development office.

Mr. Jensen moved to adjourn. Mr. Schrader seconded. The vote was unanimous. The meeting adjourned at 8:40pm.

Respectfully submitted,

Marilyn K. Bassett