

# Town Of Sandwich

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## BOARD OF APPEALS

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JAN 30 2014

Minutes  
January 14, 2014

**FINAL COPY**

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**7:00pm**

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

**Also Attending:** Nathan Jones, Town Planner, and Paul Spiro, Inspector of Buildings

**7:00pm**

### Approval of Minutes

Mr. Jensen made a correction to the minutes relative to 14B Jan Sebastian Drive. Mr. Schrader then moved the Board approve the minutes of December 10, 2013 as corrected. Mr. Jensen seconded. The vote was unanimous.

### Special Permit Amendment #13-12 Continued

#### 14B Jan Sebastian Drive

##### Simi II LLC and James Chace

Mr. Mitchell read a request from Atty. McNamara that the public hearing be continued until the meeting to be held on January 28, 2014. Mr. Killion moved that the public hearing for Special Permit #13-12, 14B Jan Sebastian Drive be continued to January 28, 2014 at 7pm. Mr. Neeven seconded. The vote was unanimous.

### Variance #14-01 and Special Permit #14-04

#### 41 Dillingham Avenue

##### Sharpe

Mr. Mitchell read the Public Hearing notice into the record. He also read the following letters into the record:

- Jeff Rose, Asst. Superintendent, Sandwich Water District, letter dated Jan. 6, 2014
- J.J. Burke, Fire Inspector, Sandwich Fire Department, letter dated Dec. 30, 2013
- David DeConto, Natural Resources Officer, Conservation Commission, letter dated December 23, 2013

Before opening the application for any discussion, Mr. Mitchell explained that this had been originally filed as a Variance. Mr. Jones, Town Planner, and Paul Spiro, Inspector of Buildings, reviewed the application and agreed that it should be filed as a Special Permit. Atty. Holmgren was notified; Town Clerk Taylor White concurred that no further notification for abutters was necessary for this change since they had already been noticed for the variance. The Board agreed that whichever application was not needed could be withdrawn.

Atty. John Holmgren and Rick Anderson, Builder were present for the applicant. Atty. Holmgren reviewed the application for the Board. This is a pre-existing, non-conforming lot in the Town Neck area of town. Because the septic system has to be in the back yard because of topography, there is not enough room on the lot for the required 30' setback required in the front yard. Atty. Holmgren read Section 2600, note C to the Board. The plan is in compliance with the foundation, but not with the porch. There followed a lengthy discussion of the interpretation of Sect. 2600, Note C. After listening to the comments, the Board agreed that a Special Permit was the correct application. Atty. Holmgren withdrew the request for a Variance with the Board's permission.

Mr. Mitchell opened the meeting for public comment; there was none.

Mr. Killion moved that the Public Hearing for Special Permit #14-04 be closed. Mr. Jensen seconded. The vote was unanimous.

**Board Discussion**

The Board discussed a request forwarded from Ed Pesce, Engineer, to Sam Jensen, Asst. Town Engineer, regarding the replenishment of funds for the peer review of Forestdale Village. The Board instructed Ms. Bassett to send a letter to Mr. Powers.

**Deliberation**

The Board reviewed and discussed 41 Dillingham Avenue, Special Permit #14-04. 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. VanBuskirk seconded. The vote was unanimous. The meeting adjourned at 7:35pm.

Respectfully submitted,

Marilyn K. Bassett