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Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS

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Minutes
March 25, 2014

7:00pm

Present: Harold Mitchell, Chair, Robert Jensen, Vice Chair, Erik VanBuskirk, James Killion and Chris Neeven

Absent: David Schrader

Also Present: Mr. Nathan Jones, Town Planner and Mr. Paul Spiro, Building Inspector

Approval of Minutes

Mr. Jensen moved that the minutes of February 25, 2014 be approved as written. Mr. Killion seconded. The vote was unanimous.

Special Permit 14-03

50 Beachway Road

Burden

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

- J. J. Burke, Fire Inspector, letter dated March 10, 2014
- David DeConto, Natural Resources Officer, letter dated March 6, 2014

Attorney Ben Losordo, representing the applicant; Anne Michniewicz, the Architect and Dianne Burden the applicant were present. Mr. Losordo explained that the house is a pre-existing nonconforming structure. There was a lengthy discussion on sideline setbacks and the non-conformity. Mr. Losordo pointed out that the use or change is not substantially more detrimental to the neighborhood. He also said that the alteration to the structure would be 1'4". He also said the owner had taken the opportunity to move the nonconforming garage back from 8'7" to 11'7".

Mr. Losordo discussed the neighborhood and the fact that the lot was created in 1935. He also pointed out that according to State Law and Bylaw there is not added traffic that would make it more detrimental to the neighborhood. He further stated that they are asking for a Special Permit to alter the existing building and move the garage as shown on the plan.

Mr. Mitchell asked if there were any comments from the public.

Mrs. Hastings of 54 Beachway Road said they were delighted with the project.

Mrs. Burden said she had hosted a party and invited her neighbors so they would know what was going on.

Mr. Jensen moved that the Public Hearing for Special Permit 14-03 be closed and taken under advisement. Mr. Neeven seconded. The vote was unanimous.

TOWN CLERK
TOWN OF SANDWICH

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Board of Appeals Minutes

March 25, 2014

Board Discusson

7:20 P.M.

14 & 16 Evsun Drive

Habitat for Humanity

Mr. Mitchell took a ride out to the site on Evsun Drive and emailed a letter to the Board, Town Planner and Building Inspector relative to his findings. He read the email dated March 22, 2014, into the record and provided some photographs.

Ms. Leedara Zola, Director of Land Acquisition & Project Permitting for Habitat for Humanity of Cape Cod and Don Bracken, Engineer of Bracken Engineering were present. Absent was Mr. Warren Brody, their Permitting Attorney and volunteer Board member.

Ms. Zola said that they were invited to informally discuss a possible project. The land is town owned and she said this is the time for discussion. She also said they are reserving their rights under 40B if this project goes through.

Ms. Zola further discussed that Habitat for Humanity is a non-profit organization providing affordable housing in particular for families in need. Buyers build and own their own homes. The community is important and we work in towns that want us. She further stated how they obtain land. In 2003 at the Annual Town Meeting there was a transfer of control to the Board of Selectmen for affordable housing of the subject land. Ms. Zola gave the history of obtaining the lots. She said that there are some concerns about the site. We brought Don in to see if the lots were buildable. This informal discussion is to determine if the site can be developed appropriately and the permitting process in order to go under Mass General Law 40B. We are looking for input from this Board. Ms. Zola turned the floor over to Don Bracken.

Mr. Bracken discussed the challenges connected with the lots and building on each lot which was ruled out quickly. A lengthy discussion continued with the Board regarding the history of the property, grading, setbacks, septic and abutters.

Ms. Zola said the entire process will probably take about a year.

Mr. Mitchell asked if there were any more questions and there were none. The informal discussion was concluded

Deliberation

The Board reviewed and discussed 50 Beachway Road, Special Permit #14-03. 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. Killion seconded. The vote was unanimous. The meeting adjourned at 8:05 P.M.

Respectfully submitted,
Maureen Carty