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

**BOARD OF APPEALS**

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**Minutes**  
**August 12, 2014**

**FINAL COPY**

7:00pm

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

**Also Present:** Paul Spiro, Building Inspector

**Absent:** Robert Jensen

**Approval of Minutes**

Mr. Schrader moved to accept the minutes of June 24, 2014 and June 10, 2014 as written. Mr. Neeven seconded. The vote was unanimous.

**Modification Request – Comprehensive Permit**

**Annie's Pasture**

**Robert Bevilacqua**

Atty. Jon Fitch and applicant Bob Bevilacqua were present. Atty. Fitch reviewed the history of Annie's Pasture for the Board. He is requesting that the Board find the requested modifications to be minor and that the following modifications be granted:

- Delete the requirement for sidewalks as shown on the approved plan
- Delete the requirement for chain link fencing around the borders of the drainage lots.

Atty. Fitch told the Board that the sidewalks were not needed and that no other 40B project in Sandwich has them. He also stated that there was no problem with drainage at the two specified lots. Mr. Bevilacqua assured the Board that he has never had a problem with them draining in a timely manner.

At this time, Mr. Killion asked the Board to move that the proposed modifications were minor. Mr. Mitchell so moved with Mr. Neeven seconding. The vote was unanimous.

Mr. VanBuskirk also was able to tell the Board that the Sandwich Water District had not seen any issues with the drainage. Because there is no problem with drainage, the Board did not think the lack of fencing would create a safety issue. When Mr. Neeven asked about the growth of grass and shrubs around the drainage lots, Mr. Bevilacqua said that the HOA would be responsible for keeping the vegetation at a safe height to insure the safety of small children. After some discussion, Mr. Bevilacqua agreed to mow the drainage area once a year in lieu of the fencing. There was no further discussion.

Mr. Mitchell moved to delete the requirement for sidewalks as shown on the approved site plans and to delete the requirement for chain link fencing around the borders of the drainage lots with the understanding that Mr. Bevilacqua will mow the grass around those drainage lots a minimum of once a year. Mr. Neeven seconded. The vote was unanimous.

**Board Discussion**

Mr. Tom Fitzgerald, AutoDrive1, came before the Board to discuss the possibility of being able to park vehicles in the front of his business at 497 Route 6A. Condition #5 of the present Special Permit #12-16 prohibits displaying any cars for sale on or abutting Route 6A. He is looking to build his business and feels that an exposure on Route 6A will attract the public to this business. He currently has about 118' of frontage and proposes to utilize about 43' to park four cars. He is planning to modify the property with landscaping. In response to comments from the Board, Mr. Fitzgerald said that the owner of the liquor store next to his business uses his parking area to unload trucks when necessary and has no problem with his plans. He said that selling an additional five or six cars/month make a big difference for him. There will be no service work done onsite. He will continue to own the franchise but is not buying the property at this time. The Board also suggested that he check with the State regarding the necessary setbacks. Mr. Fitzgerald knows that he needs to come back before the Board with a Special Permit application.

Mr. Neeven moved to adjourn. Mr. Mitchell seconded. The meeting adjourned at 7:30pm.

Respectfully submitted,

Marilyn K. Bassett