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# Town Of Sandwich

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## BOARD OF APPEALS

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**Minutes**  
**December 9, 2014**

**FINAL COPY**

7:00pm

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

**Also Present:** Blair Haney, Director of Planning and Economic Development and Paul Spiro, Building Inspector

### Approval of Minutes

Mr. Jensen moved to accept the minutes of November 25, 2014 as written. Mr. Mitchell seconded. The vote was unanimous.

### Special Permit #14-16

#### 46 and 64 Roos Road

#### Idlewild Acres, LLC

Mr. Mitchell recused himself and joined the audience.

Mr. Killion read the Public Hearing Notice into the record. The following comment letter was also read into the record:

- Sandwich Conservation Commission, David DeConato, Asst. Director, Natural Resources, letter dated November 19, 2014

Robert Gray, Environmental Consultant for Sabatia, Inc, David Thulin, Project Engineer, and the applicant, Peter Wild were present. Mr. Gray told the Board the applicant wants to relocate a house currently on a movable platform at 46 Roos Road to 64 Roos Road, which is also owned by Idlewild LLC. There is already an Order of Conditions for a new house at 46 Roos Road. Additional information included:

- Entire property is within the flood zone now
- Land is used agriculturally for a tree/shrub farm and will continue as such
- The area by the pond is sparsely vegetated presently but will be enhanced by the order of the Conservation Commission
- Request for 820 cubic yards of fill ranging from 6" to 3' above existing elevation with most of it over the septic tank
- Fill will be tapered to encourage stormwater runoff into the lot as opposed to onto Roos Road

Mr. Thulin informed the Board that the Planning Board has given approval for the removal of lot lines that are shown on the plan presently. The directed the Board to Sheet 3 of 6 for the requested fill. Further, the plans call for a retaining wall on the site of the relocated house. The final elevation over the leeching field will be 15'4". In answer to a question by Mr. Spiro, Mr. Thulin said that Roos Road does go through Mr. Wild's property; the two principle dwellings do not interfere with access to Roos Road at all.

Mr. Killion opened the meeting for public comment.

- Peter Hanlon, 60 Roos Road, has no objections
- Kathy Walter, 68 Roos Road, expressed concern regarding the requested fill – she is concerned about the flooding of Roos Road and also her property. She also stated that no fill had been approved by the Conservation Commission
- Michael Karl, 68 Roos Road, is opposed to any fill. He also asked if the septic plans have been approved.

Mr. Killion said that this was before the Board to obtain permission for the fill. Mr. Gray said that Ms. Walter had raised the question of fill at the ConCom meeting. If needed, the applicant would apply for a special permit for the fill; if necessary, they would go back before the ConCom. The closest house is 150' or more away from the new location of the house; the plans presented to the Board should not affect the abutters. It is certainly their intention to correct problems as they arise. There was also some discussion about the Section of the Zoning By-Law under which the application is being made. Sections 2500 and 4300 are broad. Section 2540 relates to Multiple Principle Dwellings on the Same Lot and Section 4340 specifically addresses construction in a Flood Plain District. There was no further discussion.

Mr. Schrader motioned to close the Public Hearing for SP #14-16, 46 & 64 Roos Road. Mr. Neeven seconded. The vote was unanimous.

**Deliberation**

**Special Permit #14-16**

**46 & 64 Roos Road**

The Board reviewed and discussed 46 & 64 Roos Road, Special Permit #14-16. The Board voted unanimously to grant the Special Permit. The decision is on file in the Board of Appeals public records at the Planning and Development office.

**Board Discussion**

Mr. Killion told the Board there is an Executive Session Thursday night with the Selectmen regarding the Autumnwood Subdivision and asked if someone would be able to attend. Mr. VanBuskirk will be there for the Board. Mr. Killion then asked Ms. Bassett to put an Executive Session on the agenda for the first meeting of the Board of Appeals in January to update and share any new information regarding Autumnwood.

Mr. Jensen moved to adjourn. Mr. Neeven seconded. The meeting adjourned at 8:09pm.

Respectfully submitted,

Marilyn K. Bassett