



Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

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BOARD OF APPEALS

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Minutes April 14, 2015

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JUL 16 2015

8 H 25 M A M
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7:00pm
Upper Conference Room
16 Jan Sebastian Drive

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

Absent: David Schrader

Also Present: Paul Spiro, Building Inspector

Mr. Killion recused himself.

Mr. Jensen assumed chairing the meeting.

Approval of Minutes

Mr. Mitchell moved to accept the minutes of March 10, 2015 as written. Mr. VanBuskirk seconded. The vote was unanimous.

Variance #15-04 Continued

6 Bunker Circle

Lynch

Mr. Lynch told the Board that he bought the lot believing it was buildable; he and his wife put it into a trust to preserve that buildability. He wants to be able to sell the lot; he has a buyer in place who has already put a well on the property and wants to build a two bedroom, single family home if it is possible to break 6 Bunker Circle out.

Mr. Spiro referenced Sections 2550C and 2555 of the zoning by-laws relating to previously created lots. He also said that in the many seminars he has attended, the bottom line was who controls the land – who owns it. Town Counsel has verified this information. Mr. Spiro also spoke to the “legend” that Holly Ridge subdivision was a cluster subdivision. There is no documentation to support this in any town records.

The Board also discussed:

- Size of the variance – Mr. VanBuskirk said it has been done in the past
- Opinion from Town Counsel – Mr. Mitchell said that is his answer
- Holly Ridge is a “Cluster Subdivision” – There is no written evidence that this is the case – when Mr. Lynch’s lot was created in 1969 there was no cluster provision in the by-laws.
- Undated letter from Kathleen Lynch to Steve Pizzuti

Mr. Jensen opened the meeting for public comment. Mr. Paul Bernardi, listing agent, spoke in favor of the variance.

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Mr. Jim Killion, 6 Pierre Vernier Drive, discussed the origin of the by-law which was to limit the number of permits being issued for homes in the Town many years ago. He feels that this bylaw has become a prejudicial application of zoning. He asked the Board to look at this application as a variance – it meets all the criteria.

There was no further public comment.

Mr. Neeven moved to continue the public hearing for Variance #15-04, 6 Bunker Circle, to April 28,2015. Mr. VanBuskirk seconded. The vote was unanimous.

Mr. Killion rejoined the Board as Chair.

Mr. Neeven moved to adjourn. Mr. Jensen seconded. The vote was unanimous. The meeting adjourned at 7:40pm.

Respectfully submitted,

Marilyn K. Bassett