



# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD

TOWN CLERK  
TOWN OF SANDWICH

FEB 24 2016

12H 50M PM

RECEIVED & RECORDED  
7:00pm

Upper Meeting Room  
270 Quaker Meetinghouse Road

January 12, 2016  
Minutes

## BOARD OF APPEALS

16 Jan Sebastian Drive, Sandwich, MA 02563  
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**FINAL COPY**

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

**Absent:** Robert Jensen, Vice Chair

**Also Present:** Josh Peters, Asst. Town Planner

### Approval of Minutes

Mr. Neeven moved to accept the minutes of the meeting held December 8, 2015. Mr. Schrader seconded. The vote was unanimous.

### Special Permit #15-13

#### 8 Hemlock Terrace

#### Chad and Dayna Cary

Mr. Killion read the Public Hearing Notice into the record. He read the following comment letters into record:

- Paul Spiro, Inspector of Buildings, letter dated January 11, 2016
- Robert Guerin, abutter, 16 Karla Lane, letter dated December 31, 2015
- William Carrico, Fire Chief, letter dated December 11, 2015
- David DeConto, Department of Natural Resources, letter dated December 4, 2015

Chad and Dayna Cary of 8 Hemlock Terrace were present. They explained that they were coming in front of the Board to get an approval for an 8 foot fence for their backyard which abuts the Service Road. They explained that since the work began on the natural gas pipeline for National Grid, the backyard of their property had undergone a drastic change. This change had been felt throughout the entire neighborhood. They estimated that approximately 50 trees had been cut down. These trees once created a buffer between Route 6, the Service Road and their property. Mrs. Cary explained that when driving down Route 6, people are now able to see into her backyard. She feels that there is no longer a sense of privacy and this is something they cannot live with as is. To install an 8 foot fence would be a significant cost to them as homeowners, but they felt it was something that needs to be done in order to enjoy their backyard once again.

Mr. Cary explained to the Board that he had purchased a 6 foot section of fence back in the fall, just as the leaves were starting to come down. They moved it to various places in the backyard and kept it up for a few months. Doing this didn't offer them the protection and privacy that they wanted, so they felt it was necessary to apply for the Special Permit. Mr. Cary has been in contact with National Grid since they began the work and they have offered to

replace some of the trees that came down with quick, growing foliage such as Leland Cypress and Green Giant Trees. Both National Grid and the Sandwich Tree Warden had commented

to the Cary's that this was one of the worst hit areas on the street. The trees would be planted on the outside of the fence between the property and the Service Road. The homeowners would then add trees on the inside of the fence to create an additional buffer that will hopefully help with traffic noise and the site of cars along the main roads.

Mr. Killion explained his main concern is this will be the first of many requests that will come forward. His goal would be to keep the fencing material consistent so he asked what material they planned to use. Mr. Cary said they had looked at three different fencing options, cedar, pine and vinyl. They were planning on using one of the wood types since their next-door neighbor also has a wood fence and they wanted to match it as best they could.

In preparation for the meeting, Mr. Schrader had looked at Google Maps and seen an aerial view of the property. It appeared that the photos had been taken when the trees were in full bloom. He felt that the existing trees would offer them plenty of coverage and that a 6 foot fence would be satisfactory.

Mr. Mitchell questioned an open space area on the property plan. It appears to exist about 90 feet off the Cary's property between their backyard and the Service Road. Trees would not be allowed to be planted in this open space. The homeowner was unsure how large the area is. Mr. Mitchell also didn't feel that an additional two feet of fence was going to give them any more coverage than a 6 foot fence. Mr. Cary disagreed and said that he stood in various sections of his backyard and the 6 foot section was low enough to still see cars on Route 6. He also brought up the fact that he has three, small children that they want to protect. Mr. Mitchell agreed that that was a top priority.

Mr. Killion asked about a completion date regarding the installation of the natural gas pipeline by National Grid. Homeowner's were unsure of this date.

Mr. Killion opened the meeting for public comment. There was none.

Mr. Neeven moved that the public hearing for Variance #15-13 be closed. Mr. Mitchell seconded. The vote was unanimous.

### **Board Discussion**

The board discussed the request for the Cary's to waive the application fee for Special Permit #15-13.

Mr. Killion would like to discuss the NRG Zoning at the next Board of Appeals meeting. Mr. Mitchell commented that he would not participate in this discussion as he is the Sandwich Representative for the Cape Cod Commission. Mr. Killion is not available for the first meeting in February scheduled 2/9/16. Mr. Neeven is not available for the second meeting in February scheduled 2/16/16. Mr. Killion would like to add the NRG zoning under Board Discussion for the first available meeting when all board members will be present.

The board had no comment for the Planning Board regarding the Scenic Road Permit application submitted by Justin O'Connor, Sandwich Tree Warden, for 116 Tupper Road.

**Deliberation**

**Special Permit #15-13**

**8 Hemlock Terrace**

The board reviewed and discussed 8 Hemlock Terrace, Special Permit #15-13. The Board voted 3-2 to approve the Special Permit. Four votes are required to approve the decision when there is a board of 5 members; therefore the Special Permit was denied. The decisions, finding and conditions are on file in the Planning and Development office.

Mr. Mitchell motioned to waive the Special Permit fee for Mr. and Mrs. Cary, Mr. Neeven seconded. The vote was unanimous. The Planning & Development Office will return the check to the Cary's as soon as possible.

Mr. Mitchell voted to adjourn the meeting. Mr. Neeven seconded. The vote was unanimous. The meeting adjourned at 7:52pm.

Respectfully Submitted,

Laura C. Watts