



Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS

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July 12, 2016
Minutes

TOWN CLERK
TOWN OF SANDWICH

JUL 27 2016

1 H 17 M P *ML*
RECEIVED & RECORDED

7:00pm
Upper Meeting Room
270 Quaker Meetinghouse Road

Present: James Killion, Chair, Robert Jensen, Vice Chair, Christopher Neeven, Erik VanBuskirk, and Gerald Nye

Absent: David Schrader

Also Present: Josh Peters, Asst. Town Planner, Paul Spiro, Building Inspector and Brendan Brides, Asst. Building Inspector

Approval of Minutes

Mr. VanBuskirk moved to accept the minutes of the meeting held June 28, 2016 as written. Mr. Jensen seconded. The vote was unanimous.

Variance #16-12

41 Dillingham Ave.

Richard and Sally Sharpe

Since a formal decision for this petition was not voted on at the meeting held on June 28, 2016, Mr. Killion requested the Board take a vote. Mr. Jensen made a motion to deny Variance #16-12 without prejudice. Mr. Neeven seconded. The vote was unanimous.

Board Reorganization

Mr. Neeven made a motion to elect Mr. Jensen as the new Chair of the Sandwich Board of Appeals and Mr. Killion as the new Vice Chair. Mr. VanBuskirk seconded. The vote was unanimous.

Special Permit #16-13

133 Dillingham Ave.

Melissa Lee and Jonathan Hood

Mr. Jensen read the Public Hearing notice into record. He also read the following comment letter into record:

- Memo from Mr. Samuel Jensen, Asst. Town Engineer, dated July 7, 2016

Mr. Skip Kelleher, applicant, was present on behalf of the homeowners. He explained that the house was built in the 1950's by the Grandfather of the current owner's. It was built over several years and has remained in the family. It is currently in terrible condition. The plan is to fully rehab the existing house. They will add a bedroom. Mr. Kelleher explained that the title V septic is good for up to a 6 bedroom home and this has been cleared with the Board of Health. The plan also calls for adding a three season screened porch and deck for a total increase in living space of 143 square feet. Mr. Jensen asked if the footprint of the house will remain the



same and Mr. Kelleher responded that the deck is the only piece of the addition that would change the existing footprint. He said the lot will not be any more non-conforming than when it was originally created in 1949. Mr. Spiro talked about conversations he's had with Town Council regarding 2420 non-conforming structures. He would like the Board to discuss how they describe the nature of non-conformity. Is it the change in the existing footprint or the change in setbacks? In order to move forward with these non-conforming lots Mr. Spiro and Mr. Brides would like guidance from the Board. Mr. Spiro explained that for the last 4 or 5 years that he's been with the Town, as long as the setbacks didn't change, then the non-conformity didn't change. Mr. Jensen believes that in regards to this Special Permit application, the addition of the deck does not increase the non-conformity because the deck is still well within the setbacks. Mr. Killion conferred with Mr. Spiro that what creates a nonconforming structure is a change in zoning and as long as plans stay within the current setbacks, the nonconforming nature doesn't change. Mr. Spiro, with the Board's approval, would like the Building Department to have jurisdictional power to grant building permits to non-conforming structures and bypass the Board of Appeals. This would save the applicant a lot of time and money on applying for a Special Permit. Mr. Jensen agrees with Mr. Killion and says that if the changes to existing structures infringe on the setbacks, then the nature of the non-conformity changes. Mr. Jensen opened the meeting for public comment. The following abutter spoke:

- Debbie O'Brien, 131 Dillingham Ave., wants to make sure the renovations of the house are done in a timely manner. She's lived next door for the past four years and has never met the property owners. The roof is falling in and the lawn has not been taken care of. Mr. Kelleher said that once they get through the permitting and appeal process, the plan is to start the clean up right away and begin construction after Labor Day. The family's goal is to use the house next summer. He will address the issues about the grass and clean-up with the owners.

Mr. Killion made a motion to close the Public Hearing for Special Permit #16-13. Mr. Neeven seconded. The vote was unanimous.

Deliberation:

Special Permit #16-13

133 Dillingham Ave.

The Board reviewed and discussed Special Permit #16-13. The Board voted unanimously to approve the findings. They deemed that the proposed changes to the existing, non-conforming structure would not change the non-conformity, therefore they voted unanimously to deny the application without prejudice. The decisions, findings and conditions are on file in the Planning & Development Office.

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

Respectfully Submitted,

Laura C. Watts

Supporting Documents:

1. Memo from Samuel Jensen, Asst. Town Engineer, dated July 7, 2016 (1 page)
2. Design of Thomas, Lee, Hood Residence, Design by HPI Spurling Thomas, dated November 9, 2014 (7 pages)