



**BOARD OF APPEALS**

16 Jan Sebastian Drive, Sandwich, MA 02563  
Phone: 508 833 8001  
Fax: 508 833 8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

**FINAL COPY**

**September 13, 2016  
Minutes**

TOWN CLERK  
TOWN OF SANDWICH

OCT 26 2016

11 H 55 M 4 M ll  
RECEIVED & RECORDED

7:00 p.m.  
Upper Meeting Room  
270 Quaker Meetinghouse Road

**Present:** James Killion, Vice-Chair, Christopher Neeven, Erik VanBuskirk, David Schrader and Gerald Nye

**Absent:** Robert Jensen, Chair

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

**Approval of Minutes**

Mr. Schrader moved to accept the minutes of the meeting held August 23, 2016 as written. Mr. Neeven seconded. The vote was unanimous.

**Special Permit #16-15**

**20 Route 6A**

**Panfilo Rozzi**

Atty. Kevin Kirrane issued a request to withdraw the Special Permit application without prejudice on behalf of his client. The Board voted unanimously to grant the withdrawal.

**Variance #16-16**

**24 Weeks Pond Drive**

**Brian Corbett**

Mr. Jack Landers-Cauley, P.E. was present representing his client, Brian Corbett. Mr. Corbett is interested in purchasing three lots on the south side of Weeks Pond Drive with the intent to build one single family home. Mr. Cauley had come before the Board at their last meeting for an informal discussion regarding variances. Currently, the three lots are individually owned and the owners have agreed to sell them as one lot. Several years ago the owners submitted a plan to build a single family home on each of the three lots. This plan has since expired and realistically the lots can only be used as one in order to conform with all zoning regulations. The current plan was done with an on ground instrument survey. A wetlands survey was done less than three years ago using national geodetic vertical datum to calculate the pond elevation. The three lots combined would be a total of 75,000 square feet and per §2550 of the bylaws the setbacks would be grandfathered from the time the lots were created in 1974. The lots comply with all zoning regulations with the only exception being the elevation of the principal floor. The principal floor of the structure needs to be at road elevation or higher. If it's not, then the structure must be set back 15 feet for every foot in elevation. The current plan shows a 10 foot elevation difference which would require the house be set back 150 feet. This would then encroach on the 50 foot setback from Weeks Pond. Mr. Cauley questioned the



term "principal floor" as he feels it can be interpreted several ways. Mr. Spiro interprets "principal floor" as the floor where the family spends most of its time and where guests are greeted upon entering the home. Mr. Cauley went on to explain that he feels he can satisfy the three requirements needed in order to obtain a variance. The first being financial hardship. If he were to design Mr. Corbett's home without the need for a variance, it would be very costly. The foundation would have to be triple poured in order to bring it up to grade and 12 foot, vertical retaining walls would be built. This would be very costly to Mr. Corbett. The second criterion for obtaining a variance is topography. All three of these lots on Weeks Pond Drive have unusual topography. The third criterion is detriment to the neighborhood. If the house was designed without the variance, Mr. Cauley believes it would fit in with the surrounding homes in the neighborhood. Mr. Schrader has a hard time seeing this as a financial hardship because Mr. Corbett doesn't currently own the lots. He feels a financial hardship is being worse off than when you bought the land and how can Mr. Corbett claim a financial hardship prior to purchasing the lots. Mr. Killion asked Mr. Cauley about a reverse floor plan which would make the 2<sup>nd</sup> floor the principal floor and have the bedrooms on the 1<sup>st</sup>. This could be done and would eliminate the need for a variance because it would make the principal floor at the same elevation as the roadway. Mr. Spiro agrees this is a feasible design. Mr. Corbett is open to continuing the Public Hearing in order to consider the reverse floor plan. Mr. Schrader also agrees with this design because he still has a hard time agreeing with the financial hardship issue.

Mr. Killion opened the meeting for public comment. The following people spoke:

- Dorothy Miller, 23 Weeks Pond Drive, explained that her lot is very high up. She had a chance to buy one of these lots years ago, but because of the topography, she didn't. She questioned the need for guardrails as discussed in the engineering memo. Mr. Corbett has agreed to install guardrails if need be as the driveway will be steep and Mr. Cauley would like to get in touch with Mr. Jensen, Asst. Town Engineer, to discuss this more fully.
- Robert Miller, 23 Weeks Pond Drive, brought up a letter from 12/1996 regarding correspondence between a Mr. Anderson and the building inspector at that time. Back then, the building inspector declared the lots unbuildable and Mr. Miller doesn't think it's fair to Mr. Anderson to now say they are buildable. Mr. Killion said the Board has to look at the zoning regulations that are in front of them and these lots met zoning at the time of their creation. The Board cannot look at decisions made by previous building inspectors. Mr. Miller also presented a letter to the Board regarding the ecology of the lots that was written by Willa and John Grant, addressed to the Conservation Commission and dated February 1, 2006. A copy of the letter is part of the public record.

Mr. Schrader made a motion to continue the Public Hearing for Variance #16-16 (24 Weeks Pond Drive) to the next scheduled meeting on September 27, 2016. Mr. Neeven seconded. The vote was unanimous.

**Special Permit #16-17**  
**29 Farmersville Road**  
**Sonja Daday**

Mr. Killion read an email request from Ms. Daday to continue her Public Hearing to October 25, 2016. Mr. Schrader made a motion to continue the Public Hearing for Special Permit #16-

17 (29 Farmersville Road) to the meeting on October 25, 2016. Mr. Neeven seconded. The vote was unanimous.

Mr. Schrader moved to adjourn the meeting. Mr. Neeven seconded. The vote was unanimous. The meeting adjourned at 7:41 p.m.

Respectfully Submitted,



Laura C. Watts

Supporting Documents:

1. Letter from Atty. Kevin Kirrane regarding Special Permit #16-15, dated September 12, 2016 (1 page)
2. Site plan for Brian Corbett, prepared by J.E. Landers-Cauley, P.E., dated June 2, 2016 (2 pages)
3. Memo from Samuel Jensen, Asst. Town Engineer, regarding Variance #16-16, dated September 9, 2016 (1 page)
4. Memo from Daniel Mahoney, Superintendent, Sandwich Water District, regarding Variance #16-16, dated August 25, 2016 (1 page)
5. Letter from Willa and John Grant to the Sandwich Conservation Commission, regarding Weeks Pond, dated February 1, 2006 (1 page)
6. Email from Sonja Daday regarding Special Permit #16-17, dated September 8, 2016 (1 page)