



**BOARD OF APPEALS**

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**Minutes**  
**April 13, 2010**

**7:05 P.M.**

**Present:** Erik Van Buskirk, Chair; Robert Jensen; James Killion; Christopher Neeven, Frederick Watt & Robert Whearty

**Absent:** Joseph Cavaco

**7:05pm**

**Approval of Minutes**

Mr. Jensen moved the Board approve the minutes of March 23, 2010 as written. Mr. Neeven seconded. The vote was unanimous.

**7:05pm**

**Public Hearing**

**Special Permit Amendment #10-02**

**93 Harlow Road**

**Paul and Cynthia Celeste**

Mr. VanBuskirk read the Public Hearing notice into the record. Mr. Watt recused himself because he is an abutter to the property. Mr. VanBuskirk then read letters from the following Town Departments:

Board of Health

David Mason, RS, CHO, Health Agent

Fire Department

John J. Burke, Fire Inspector

Atty. Kevin Kirrane presented the proposed plan to raze and replace the existing two bedroom cottage with a new, larger by 428 sq ft, two bedroom structure. The current structure has no foundation; it is on concrete blocks. The new building will also have handicap accessibility.

Mr. Van Buskirk opened the meeting for public comment.

Arleen Mark, 33 Sconset Circle, asked if the entrance into the dwelling would be from Harlow Road. Paul Celeste, property owner, assured it would. She also wanted to know if the size of the dwelling was remaining the same. Mr. Jensen told her it was larger by about 428'. She then expressed concern over the number of horses being stabled on the property and was it being operated as a commercial venture.

Fred Watt, 77 Harlow Road, stated that the number of horses being stabled on the property is relevant to the permit process. If the stable is being run as a commercial effort, then it is a

zoning violation. That should be considered when writing the conditioning for the permit. Building Inspector Paul Spiro will determine the ownership of the horses on the property.

Atty. Kirrane stated that h feels the issue of stabling horses is outside the purview of the request that has been made for a permit to raze and replace since there was no such condition when the original permit was issued in 1998.

Mr. Jensen said that is has been a practice of the Board to remove illegal activity before granting a permit. He felt there was a need to look at the issues more deeply. Atty. Kirrane said that the stable falls under the Board of Health regulations. Mr. Killion said that if the owners can demonstrate that they are not conducting a commercial enterprise, then there is no problem. Mr. Jensen wants more information. Atty. Kirrane offered to research and get back to the Board with his findings. He will also approach the Board of Health.

Loesje Creeden, 75 Harlow Road asked if the horses has been used in the nitrogen loading figures. The letter from the Board of Health states that they were not.

Mr. Killion motioned that the Special Permit Amendment be continued until the April 27<sup>th</sup> meeting at 7:05 pm. Mr. Neeven seconded. The vote was unanimous.

**7:29 pm**

**Request for Extension of Time**

**Special Permit Amendment**

**273 Cotuit Road**

**Cotuit Road Mobil Realty Trust**

Mr. VanBuskirk read a letter from Atty. Kevin Kirrane requesting a six month extension to begin substantial construction for amended Special Permits 98-53, 94-33, 98-53, and 06-13.

Mr. Killion motioned to grant a six month extension to December 10, 2010 to undertake substantial construction for amended permits 98-53, 94-33, and 06-13. Mr. Jensen seconded. The vote was unanimous.

**7:34 pm**

**Deliberation**

**Forestdale Village**

**Comprehensive Permit 09-23**

The Board reviewed and discussed Forestdale Village, Comprehensive Permit #09-23. The Board voted to grant the Comprehensive Permit with conditions. The decision, findings, and conditions are on file in the Board of Appeals public records at the Planning and Development office.

Mr. Watt motioned to adjourn. Mr. Jensen seconded. The vote was unanimous.

The meeting adjourned at 8:51pm.

Respectfully submitted,  
Marilyn K. Bassett



