



BOARD OF APPEALS

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Minutes
April 27, 2010

7:05 P.M.

Present: Erik Van Buskirk, Chair; Robert Jensen; James Killion; Frederick Watt

Absent: Joseph Cavaco

7:05pm

Approval of Minutes

Mr. Watt moved the Board approve the minutes of April 6, 2010 and April 13, 2010 as written.

Mr. Jensen seconded. The vote was unanimous.

7:05pm

Public Hearing

Special Permit Amendment #10-02

93 Harlow Road

Paul and Cynthia Celeste

Mr. Watt recused himself because he is an abutter to the property. No decision can be made at this meeting because of a lack of quorum. Mr. Neeven will come in to listen to the tape of this meeting before deliberation begins.

Atty. Kevin Kirrane presented two affidavits to the Board from Mrs. Celeste and Ms. Alison Taylor-DeLorme who owns the two horses that are boarded on the property stating that the horses are stabled there out of friendship; there is no monetary consideration involved. Mr. Kirrane asked the Board to approve the SP Amendment since the applicants had been asked to address the issue of a commercial enterprise, and it has been done.

Mr. VanBuskirk read letters into the public hearing from Paul D.Spiro, Building Inspector, dated April 23, 2010 and David Mason, RS, CHO, Health Agent dated April 26, 2010.

Mr. Van Buskirk opened the meeting for public comment.

Fred Watt, 77 Harlow Road, withdrew his previous comment regarding nitrogen loading that he made at the April 6th meeting. While he has no objection to the Special Permit Amendment #10-02, Mr. Watt still questions the number of horses on the property. He would like the Board to consider this in the conditions for the SP Amendment.

There were no other public comments.

Mr. Jensen motioned that the Public Hearing for Special Permit Amendment #10-02 be closed. Mr. Killion seconded. The vote was unanimous.

7:21pm

Annie's Pasture

Modification Request

Mr. Smith reviewed part of the Annie's Pasture history and introduced Mr. Bob Bevilacqua who is seeking to have ownership of Annie's Pasture transferred to him. In order for this to occur he is requesting some modifications to the comprehensive permit issued to the original owner, Mr. Joseph Sullivan. The question before the Board is to determine if the modifications are minor or major.

Attorney Jonathan Fitch told the Board that the permit goes back to 2005. The infrastructure is mostly in place and there are three market rate houses built and sold. In accordance with the current permit as issued, the next unit built and sold is to be an affordable one. At the time, no qualified buyer was found.

Mr. Fitch then presented requests for some changes which he sees as insubstantial per current by-laws. Mr. Bevilacqua is proposing lightly smaller houses be built as ranches, colonials, and capes with a three bedroom maximum. Instead of street plantings he would like to landscape the entry while retaining the 15' buffer currently shown on the plans.

Mr. Fitch, Mr. Smith, and the Board then went over proposed changes in the conditions of the original permit. At the conclusion of the discussion Mr. Fitch asked the Board to accept these changes as minor. Mr. Bevilacqua said that he had met with several of the abutters. They saw the lack of development as an abandonment issue and were pleased that the subdivision is going forward.

Mr. Jensen's opinion was that these changes in the decision were minor.

Mr. Killion moved that the board find these modifications minor. Mr. Watt seconded. The vote was unanimous.

7:58pm

Discussion

Mr. Paul Spiro, Building Inspector, asked the Board to clarify set backs for him. Is the 30' from the property line to the foundation or is it to any building overhangs, such as with a garrison. The Board said they would measure from the property line to the overhang. Stairs are excluded from this.

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

The meeting adjourned at 8:06pm.

Respectfully submitted,
Marilyn K. Bassett

