



**MINUTES**  
**February 23, 2021**

TOWN CLERK  
TOWN OF SANDWICH

MAR 10 2021

2 H 48 M P M  
RECEIVED & RECORDED

**6:02 p.m.**

Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA & via Remote Participation Software

**Present via ZOOM:** Erik Van Buskirk, Chair; James Killion, Vice-Chair; Robert Jensen; Christopher Neeven; Gerry Nye; and Jack Casali

**Absent:** Chase Terrio; and Brendan Brides, Building Commissioner

**Also Present via ZOOM:** Ralph Vitacco, Director of Planning & Economic Development; Leanne Drake, Town Planner; and Maureen McCabe, Sr. Administrative Assistant

Mr. Van Buskirk opens the meeting by reading the March 12, 2020 Executive Order from Governor Baker suspending certain provisions of the Open Meeting Law. There will be no in-person attendance for this Board of Appeals meeting, however, the meeting will be live-streamed and comments from the public will be taken through technologic means. Mr. Van Buskirk reads the Board of Appeals' opening statement. The Pledge of Allegiance is recited.

**Approval of Minutes**

Mr. Killion motions to accept the Minutes of February 9, 2021, as amended. Mr. Neeven seconds. Unanimously approved by roll call vote.

**Old Business**

There is no old business to discuss.

**New Business**

- #21-03: 138 Main Street – Special Permit – Howard

Mr. Van Buskirk reads the Public Hearing Notice into the record. Mr. Killion motions to open the Public Hearing. Mr. Neeven seconds. Unanimously approved by roll call vote. Mr. Van Buskirk reads the following comment memos into the record:

- Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: 138 Main Street Map 73 Parcel 185, dated January 28, 2021
- Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission

comments on an Application for Special Permit #21-03, 138 Main Street, Sandwich, MA, dated January 27, 2021

- Email to Maureen McCabe from Sean Miller re: Request for Comment: 138 Main Street Map 73 Parcel 185, dated January 27, 2021

The applicant, Raymond Howard, explains that he and his wife are looking to install a fence on both sides of the property. They would like privacy from the second story back offices of the church. Six feet didn't reach the second story windows but seven feet gives a lot more privacy in the sitting area of the back yard. They met with the church officials who seemed fine with it. The fence can't be seen from the street. It is more than one hundred feet back from the road before the fence starts. Mr. Killion clarifies with Mr. Howard that on the northern property line the fence will be six feet high; the southerly edge will be seven feet. Mr. Howard adds that there will be another section that will transition to six feet in height by the barn. There are no further questions from the Board. The matter is opened up to the public for comment. There are no emails received from the public or comment received through the ZOOM platform. Mr. Killion motions to close the Public Hearing and take the matter under advisement. Mr. Neeven seconds. Unanimously approved by roll call vote.

### **Board Discussion**

- Mr. Vitacco advises Board members that a complaint has been received regarding the Board's decision on 9 Brant Hill Road which has been forwarded to Town Counsel. There is no further discussion as it relates to this matter.

### **Deliberations**

- #21-03: 138 Main Street – Special Permit – Howard

The Board reviews and discusses Special Permit #21-03. Board members unanimously approve, by roll call vote, the Special Permit with conditions. The Decision, findings and conditions are on file in the Planning & Development office.

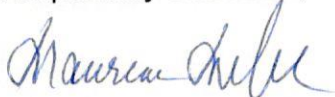
### **Other Matters Not Reasonably Anticipated**

There are no matters to discuss.

### **Adjournment**

Mr. Neeven motions to adjourn. Mr. Killion seconds. Unanimously approved by roll call vote. The meeting adjourns at 6:22 p.m.

Respectfully Submitted,



Maureen McCabe

### **Supporting Documents:**

1. Draft minutes dated February 9, 2021 (7 pages)

2. Public Hearing Notice for 138 Main Street (1 page)
3. 138 Main Street Special Permit application (16 pages)
4. Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: 138 Main Street Map 73 Parcel 185, dated January 28, 2021 (1 page)
5. Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission comments on an Application for Special Permit #21-03, 138 Main Street, Sandwich, MA dated January 27, 2021 (1 page)
6. Email to Maureen McCabe from Sean Miller re: Request for Comment: 138 Main Street Map 73 Parcel 185, dated January 27, 2021 (1 page)
7. 9 Brant Hill Road Appeal (16 pages)