

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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Minutes
April 9, 2019

TOWN CLERK
TOWN OF SANDWICH

MAY 15 2019

1 H 52 M P Mfg
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6 p.m.
Sand Hill School Community Center
16 Dewey Avenue

Present: Christopher Neeven, Chair; James Killion, Vice-Chair; Robert Jensen; Erik Van Buskirk; Gerald Nye; and Chase Terrio

Absent: Timothy O'Neill

Also Present: Brendan Brides, Building Commissioner; Ralph Vitacco, Director of Planning & Economic Development; Leanne Drake, Assistant Town Planner; and Maureen McCabe, Sr. Administrative Assistant

Mr. Neeven opens the meeting with the Pledge of Allegiance and the reading of the Opening Statement.

Approval of Minutes

Mr. Jensen motions to accept the minutes of the meeting held March 12, 2019, as written. Mr. Killion seconds. The vote is unanimous.

Old Business

- #03-12: Brightside Lane Comprehensive Permit Minor Modification Request – Fitch

Jonathan Fitch, Esq. introduces himself to the Board. Attorney Fitch tells the Board he is asking them to consider an insubstantial change to the 40B Comprehensive Permit. The change is to add green energy to the neighborhood. The programs the state is running will make this possible. There is a surface drainage area which looks south with little obstruction and doesn't interfere with any buildings which could be used. The CMR guidance for what is substantial and what is not doesn't consider this type of request. Attorney Fitch goes on to say that he has no background as to what would be the deciding factor. He says this is a small area which doesn't change anything about the neighborhood but it will add an EV station on-site. The way this is set up it will provide the EV station and it will contribute to the Homeowners Association every month thereby subsidizing the monthly fees. There is an automatic switching whereby if the grid were to go down Brightside would have power. The system is designed just for this neighborhood. Board members and Attorney Fitch discuss how the tenants are currently billed for electricity. Attorney Fitch explains there is a company that will produce the power and pay rent to the Homeowners Association. If all of the units were occupied the monthly budget would be something less than \$6,000.00 and this would contribute about



\$1,500.00 toward that. The revenue will be spread out throughout the year. It will provide a reduction in condo fees for everyone who lives there. Infusion will pay the installation fees. The discussion includes tax implications. Attorney Fitch tells the Board that nothing has been decided yet; the Association has to hold a meeting to decide if they want to go forward with this idea or not. The canopy will be installed over a drainage swale; there have been no drainage issues in ten years. Two to three sides of the area will be screened and fenced in. Lot coverage will be approximately 5 percent. Mr. Vitacco explains this request does not rise to the level of a large scale photovoltaic. In the large scale photovoltaic the panels themselves do not count toward lot coverage. HAC, the monitoring agent, has no concern with this request. Mr. Neeven indicates there is no public present to offer comment.

Mr. Jensen motions that the Board finds this is an insubstantial modification to the existing Comprehensive Permit. Mr. Van Buskirk seconds. The vote is unanimous.

Mr. Fitch tells the Board the final decision will be made by the Association.

- #19-03: 5 White Cap Path – Special Permit – 5 White Cap Path Realty Trust

Mr. Vitacco explains that initially staff thought this was a scrivener's error. At the public hearing the applicant's representative did not break out the square footage of the two houses. The Registry of Deeds did not allow the Special Permit decision to be registered because it did not include the unit number. Staff would like to amend the Special Permit's Procedural History and Findings. A discussion ensues as it relates to this matter. Board members review the site plan. Mr. Vitacco reads aloud the proposed changes to the decision.

Mr. Jensen motions to amend the Special Permit for a correction to state the Board of Appeals finds the existing footprint of all buildings on the the lot is 1430 and the proposed is 1458 with an 11x28 deck and the Board of Appeals finds that the existing structure is 440 square feet and the proposed new structure is 480 square feet with an 11x28 deck. Unit #5. Mr. Van Buskirk seconds. The vote is unanimous.

New Business

There is no new business to discuss.

Board Discussion

- The Board discusses a letter from CHAPA, monitoring agent for Annie's Pasture and Granite Ridge. They recall that the original 40B developer of Annie's Pasture was Joe Sullivan; at a later date Bevilacqua took over as developer.

Deliberations

There are no items to deliberate.

Other Matters Not Reasonably Anticipated

There are no matters to discuss.

Adjournment

Mr. Killion motions to adjourn. Mr. Van Buskirk seconds. The vote is unanimous. The meeting adjourns at 6:17 p.m.

Respectfully Submitted,



Maureen McCabe

Supporting Documents:

1. Brightside Lane Comprehensive Permit Modification Request (4 pages)
2. 5 White Cap Path Special Permit Decision, dated March 13, 2019 (4 pages)
3. 5 White Cap Path plan entitled, "Plan of Land Showing Proposed House in Sandwich, MA", prepared by Terry A. Warner, P.L.S., dated January 20, 2019 (1 plan)
4. CHAPA Letter re: Annie's Pasture and Granite Ridge, dated April 1, 2019 (1 page)