MINUTES
February 8, 2022

6:01 p.m.
Sand Hill School Community Center, 16 Dewey Avenue & via Remote Participation Software

Present via ZOOM: Erik Van Buskirk, Chair; James Killion, Vice-Chair; Robert Jensen; Christopher Neeven; Gerry Nye; and Mary Foley
Absent: Chase Terrio
Also Present via ZOOM: Ralph Vitacco, Director of Planning & Economic Development; Leanne Drake, Town Planner; and Maureen McCabe, Sr. Administrative Assistant
Absent: Brendan Brides, Building Commissioner

Mr. Van Buskirk states that this regularly scheduled meeting of the Sandwich Zoning Board of Appeals is being conducted remotely. On June 16, 2021 Governor Baker signed into law an Act extending certain COVID-19 measures adopted during the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law. All Board members are participating via videoconference. Mr. Van Buskirk reads the Board of Appeals’ Opening Statement. He says that each vote taken this evening will be by roll call vote. The Pledge of Allegiance is recited.

Mr. Jensen joins the meeting at 6:04 p.m.

Approval of Minutes

Mr. Neeven motions to approve the minutes of the meeting held January 11, 2022, as written. Mr. Nye seconds. Unanimously approved by roll call vote.

Old Business

There is no Old Business to discuss.

New Business

- #22-01: 26 Tupper Avenue, Map 88 Parcel 195 – Special Permit – Winkler

Mr. Van Buskirk reads the Public Hearing Notice into the record. Mr. Van Buskirk reads the following comment memos into the record:
Memo to Erik Van Buskirk, Chair from Sam Jensen, Assistant Town Engineer re: Petition 22-01, Application for Special Permit, 26 Tupper Road, Assessor’s Parcels 88-195-, dated February 2, 2022

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 #22-01, 26 Tupper Avenue, Sandwich, MA, dated January 27, 2022

Email to Maureen McCabe from Sean Miller re: Request for Comment: #22-01 26 Tupper Avenue Map 88 Parcel 195, dated January 17, 2022

Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: #22-01 26 Tupper Avenue Map 88 Parcel 195, dated January 14, 2022

Mr. Killion motions to open the Public Hearing. Mr. Neeven seconds. Unanimously approved by roll call vote. Mr. Adam Winkler explains that this is a simple structure. It is a family place and he doesn’t intend to do anything exorbitant with it. It is for family use. Mr. Winkler says the neighbors have provided their support. Mr. Jensen and Mr. Killion discuss lot coverage. Mr. Winkler tells Mr. Killion that the addition is 24’x32’. He goes on to say that before investing in any funding to go forward he consulted with the Building Department and was not aware of the Special Permit process at that time. Mr. Winkler says he has met every requirement the Building Department informed him of. He didn’t want to invest in having it engineered before he could know whether or not it could be done. Board members discuss the dimensions of the addition. Mr. Killion asks for the dimensions of the breezeway. Mr. Winkler says it is about eight feet off the existing house to where the proposed garage will go. The lot coverage discussion continues. The reason for the Special Permit is the increase in nonconformity. The side yard setback is 10.1. Mr. Vitacco adds that when the setbacks and lot coverage were reviewed Mr. Winkler did conform to zoning standards. Mr. Winkler tells the Board the footprint of the garage is what is being added for living space plus whatever is over the breezeway. Mr. Killion says he has looked at other structures in the neighborhood. This is a large expansion but it appears there are a lot of homes of similar nature there now. Mr. Winkler says he tried to make the space functional and enjoyable but not an eyesore. There are no further questions from the Board. Mr. Van Buskirk opens the matter up to the public. There are no emails received from the public or comments received through the ZOOM platform. Mr. Vitacco advises the Board that Mr. Winkler has gone before the Old Kings Highway Historic District and received approval for the addition. Mr. Jensen motions to close the matter and take it under advisement. Mr. Neeven seconds. Unanimously approved by roll call vote.

• #22-02: 20 Liberty Street, Map 73 Parcel 74 – Special Permit – Kozaryn

Mr. Van Buskirk reads the Public Hearing Notice into the record. Mr. Van Buskirk reads the following comment memos into the record:

Email to Maureen McCabe from Sam Jensen, Assistant Town Engineer re: Request for Comment: #22-02 20 Liberty Street – Map 73 Parcel 74, dated February 2, 2022

Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: #22-02 20 Liberty Street – Map 73 Parcel 74, dated February 1, 2022
Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission comments on Special Permit #22-02, 20 Liberty Street, Sandwich, MA, dated January 27, 2022

Mr. Jensen motions to open Public Hearing #22-02. Mr. Neeven seconds. Unanimously approved by roll call vote. Ms. Laurie Kozaryn explains that they are not building anything. The reason for the Special Permit is because they had an issue with a neighbor who has since apologized. Mr. Vitacco and Ms. Drake say they have no comment; this is pretty straightforward for a personal kennel. Mr. Jensen asks how animal waste handled. Ms. Kozaryn explains that it is scooped up, put in the trash and taken away by Nauset Disposal weekly. There are no further questions from the Board. Mr. Van Buskirk opens the matter up to the public. There are no emails received from the public or comments received through the ZOOM platform. Mr. Jensen motions to close Public Hearing #22-02 and take the matter under advisement. Mr. Neeven seconds. Unanimously approved by roll call vote.

Board Discussion

There are no items to discuss.

Deliberations

• #22-01: 26 Tupper Avenue – Special Permit – Warner

The Board reviews and discusses the application and materials submitted for Special Permit #22-01. 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.

• #22-02: 20 Liberty Street – Special Permit – Kozaryn

The Board reviews and discusses the application and materials submitted for Special Permit #22-02. 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

• Mr. Vitacco advises Board members that the COVID numbers are going down and asks if it is their intention to resume in-person meetings in March. After a brief discussion Board members state that they are in agreement to return to in-person meetings. Mr. Jensen says he will be unavailable for that first meeting in March.
Adjournment

Mr. Jensen motions to adjourn. Mr. Neeven seconds. The vote is unanimous. The meeting adjourns at 6:39 p.m.

Respectfully Submitted,

[Signature]

Maureen McCabe

Supporting Documents:

1. Draft Minutes dated January 11, 2022 (6 pages)
2. 26 Tupper Avenue Public Hearing Notice (1 page)
3. 26 Tupper Avenue Special Permit Application (23 pages)
4. Memo to Erik Van Buskirk, Chair from Sam Jensen, Assistant Town Engineer re: Petition 22-01, Application for Special Permit, 26 Tupper Road, Assessor's Parcels 88-195-, dated February 2, 2022 (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 #22-01, 26 Tupper Avenue, Sandwich, MA, dated January 27, 2022 (1 page)
6. Email to Maureen McCabe from Sean Miller re: Request for Comment: #22-01 26 Tupper Avenue Map 88 Parcel 195, dated January 17, 2022 (1 page)
7. Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: #22-01 26 Tupper Avenue Map 88 Parcel 195, dated January 14, 2022 (1 page)
8. 20 Liberty Street Public Hearing Notice (1 page)
9. Email to Maureen McCabe from Sam Jensen, Assistant Town Engineer re: Request for Comment: #22-02 20 Liberty Street – Map 73 Parcel 74, dated February 2, 2022
10. Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: #22-02 20 Liberty Street – Map 73 Parcel 74, dated February 1, 2022 (1 page)
11. Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission comments on Special Permit #22-02, 20 Liberty Street, Sandwich, MA, dated January 27, 2022 (1 page)