MINUTES
April 12, 2022

6:00 p.m.
Sand Hill School Community Center, 16 Dewey Avenue

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

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

Approval of Minutes

- Mr. Jensen motions to approve the minutes of the meeting held March 22, 2022, as written. Mr. Neeven seconds. The vote is unanimous.

New Business

- #22-07: 331 Cotuit Road Unit #34 – Special Permit – Paton

Mr. Van Buskirk reads the Public Hearing Notice into the record. Mr. Killion announces that he is recusing himself from this matter, leaves his seat at the Board’s table and sits in the audience. Mr. Jensen motions to open Petition #22-07. Mr. Neeven seconds. The vote is unanimous. 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 22-07, Application for Special Permit, 331 Cotuit Road, Assessor’s Parcel 22-185, dated April 6, 2022
- Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: #22-07: 331 Cotuit Road Unit #34, Map 22 Parcel 185, dated April 5, 2022
- Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission comments on #22-07, 331 Cotuit Road Unit 34, Sandwich, MA, dated March 22, 2022
Email to Maureen McCabe from David Mason, Director of Public Health re:
Request for Comment: #22-07: 331 Cotuit Road Unit #34, Map 22 Parcel 185, dated March 21, 2022

Mr. Paton tells the Board he had a conversation with Mr. Tsakalos today. Mr. Paton submits a letter to the Board from Mr. Tsakalos dated April 12, 2022. In addition, Mr. Paton submits pictures of the proposed parking. Mr. Paton says there will be between 15 to 20 parking spaces. Mr. Paton describes the role of a “hiker” as is and says he employs about 18 of them. Mr. Paton says he is looking to change the location of the unit from #34 to #12. Mr. Vitacco reminds the Board that the Special Permit is associated with a unit number. If the unit number changes the applicant will have to return for a Minor Modification to the Special Permit. Mr. Paton says the unit number he will be operating out of is #12 because this is the unit he initially negotiated for. Mr. Van Buskirk confirms that Mr. Paton is seeking a Special Permit for unit #12. Mr. Paton tells Mr. Jensen that there will be no overnight storage in the vehicles. Mr. Paton goes on to say that he rents a garage and parking at the Hyannis Airport, which is where his base of operations is. This is where extra cars and trucks will be kept. Large cars and trailers won’t be coming to Sandwich unless they are going out. Overflow will be kept in Hyannis; vehicle maintenance is also done in Hyannis. There are no further questions from the Board or staff. Mr. Paton clarifies that his operation is cars as well as trucks. Mr. Van Buskirk opens the matter up to the public for comment. There is none. Mr. Jensen motions to close Petition #22-07 and take the matter under advisement. Mr. Neeven seconds. The vote is unanimous.

Mr. Killion rejoins the meeting at 6:09 p.m.

• #22-08: 16 Widow Coombs Walk – Variance – Brides

Mr. Brides leaves his seat at the Board’s table and sits in the audience. Mr. Van Buskirk reads the Public Hearing Notice into the record. In addition, he reads the following comment memos into the record:

✓ Email to Maureen McCabe from David Mason, Director of Public Health re:
Request for Comment: #22-06: 16 Widow Coombs Walk, Map 3 Parcel 24, dated March 22, 2022
✓ Email to Maureen McCabe from Sam Jensen, Assistant Town Engineer re:
Request for Comment: #22-06: 16 Widow Coombs Walk, Map 3 Parcel 24, dated March 22, 2022
✓ Memo to Erik Van Buskirk from David J. DeConto, Director, Department of
Natural Resources re: Conservation Commission comments on #22-08, 16 Widow Coombs Walk, Sandwich, MA, dated March 22, 2022

Mr. Jensen motions to open Petition #22-08. Mr. Nye seconds. The vote is unanimous. Mr. Brides explains that he is seeking a .6-foot Variance. Mr. Brides says that he currently has a 99 square foot shed that meets the six-foot setback. He would like to add on to the existing shed, that same size again, for a total of 198 square feet. Mr. Brides says he will now have to meet a ten-foot setback and is .6-foot shy of meeting the setback. Options to consider would be to move it back or away from the lot line. Mr. Brides says he abuts conservation land and there is a steep fall-off approximately five to six feet back from the shed. Mr. Brides tells Mr. Killion he considered rotating the shed so that it is more parallel to the property line but doing so would change the existing foundation footings and would probably bring it closer to the incline in the rear. There
are no further questions from the Board. Mr. Van Buskirk opens the matter up to the public for comment. There is none. Mr. Jensen motions to close Petition #22-08 and take the matter under advisement. Mr. Killion seconds. The vote is unanimous.

Mr. Brides rejoins the meeting at 6:14 p.m.

**Old Business**

- There is no Old Business to discuss.

**Board Discussion**

- **Request for Comment: 180 Cotuit Road – Special Permit Amendment – ASD Cotuit MA Solar LLC**

  Mr. Vitacco provides an overview. Board members review and discuss this request from the Planning Board. They decide not to forward a comment to the Planning Board as it relates to this matter.

**Deliberations**

- **#22-07: 331 Cotuit Road Unit #34 – Special Permit – Paton**

  The Board reviews and discusses the application and materials submitted for Special Permit #22-07. Board members unanimously approve the Special Permit with conditions. The Decision, Findings and Conditions are on file in the Planning & Development office.

- **#22-08: 16 Widow Coombs Walk – Variance – Brides**

  The Board reviews and discusses the application and materials submitted for Variance #22-08. Board members unanimously approve the Variance with conditions. The Decision, Findings and Conditions are on file in the Planning & Development office.

**Other Matters Not Reasonably Anticipated**

- **Autumnwood**

  Mr. Jensen asks if there are any updates on Autumnwood. Mr. Vitacco says that there is nothing new to report; the matter is making its way through the final round of litigation.

- **10, 20, 30 and 40 Colonial Way and 150 Colonial Way – Appeal of Decision of the Building Commissioner – Swift**

  Mr. Neeven inquires about 10, 20, 30 and 40 Colonial Way and 150 Colonial Way. Mr. Vitacco explains that the Town Clerk received a letter from Mr. Swift stating his intent to appeal the Board's decisions as they relate to these matters. Mr. Swift’s letter was forward to Town Counsel for their review asking if a statement of intent to appeal the matters is sufficient.
Adjournment

Mr. Neeven motions to adjourn. Mr. Jensen seconds. The vote is unanimous. The meeting adjourns at 6:32 p.m.

Respectfully Submitted,

Maureen McCabe

Supporting Documents:

1. Draft Minutes dated March 22, 2022 (8 pages)
2. 334 Cotuit Road Unit 34 Public Hearing Notice (1 page)
3. 334 Cotuit Road Unit 34 Special Permit application (3 pages)
4. Memo to Erik Van Buskirk, Chair, Board of Appeals from Sam Jensen, Assistant Town Engineer re: Petition 22-07, Application for Special Permit, 331 Cotuit Road, Assessor’s Parcel 22-185-5, dated April 6, 2022 (1 page)
5. Email to Maureen McCabe from Brendan Brides, Building Commissioner re: Request for Comment: #22-07: 331 Cotuit Road Unit 34, Map 22 Parcel 185, dated April 5, 2022 (1 page)
6. Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission comments on #22-07, 331 Cotuit Road Unit 34, Sandwich, MA, dated March 22, 2022 (1 page)
7. Email to Maureen McCabe from David Mason, Director of Public Health re: Request for Comment: #22-07: 331 Cotuit Road Unit #34, Map 22 Parcel 185, dated March 21, 2022 (1 page)
8. Letter to Sandwich Zoning Board of Appeals from Thomas Teakalos, Trustee re: Special Permit Application #22-07 re. Cape Cod Auto Transporters, Inc., dated April 12, 2022 (1 page)
9. 331 Cotuit Road Exhibit A, Depiction of Parking Spaces (1 page)
10. 16 Widow Coombs Walk Public Hearing Notice (1 page)
11. Email to Maureen McCabe from David Mason, Director of Public Health re: Request for Comment #22-06: 16 Widow Coombs Walk, Map 3 Parcel 24, dated March 22, 2022 (1 page)
12. Email to Maureen McCabe from Sam Jensen re: Request for Comment: #22-06: 16 Widow Coombs Walk, Map 3 Parcel 24, dated March 22, 2022 (1 page)
13. Memo to Erik Van Buskirk, Chairman Board of Appeals from David J. DeConto, Director, Department of Natural Resources re: Conservation Commission comments on #22-08, 16 Widow Coombs Walk, Sandwich, MA, dated March 22, 2022 (1 page)
14. 16 Widow Coombs Walk Variance application (2 pages)
15. 180 Cotuit Road Special Permit Amendment application (2 pages)