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BOARD OF APPEALS

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Minutes
October 22, 2013

FINAL COPY

7:00pm

Present: Harold Mitchell, Chair, Robert Jensen, Vice Chair, Erik VanBuskirk, and David Schrader

Absent: Christopher Neeven; James Killion

Also Attending: Nathan Jones, Town Planner, and Paul Spiro, Inspector of Buildings

7:00pm

Approval of Minutes

Mr. Jensen moved the Board approve the minutes of October 8, 2013 as written. Mr. Schrader seconded. The vote was unanimous.

ADBI #13-11

4 Windmill Bog Way

Juros

Mr. Mitchell read the Public Hearing Notice into the record. He also read the following letters into the record:

- Richard Canning, letter received October 22, 2013
- Jim and Marian McLoughlin, letter dated October 15, 2013
- David J. DeConto, Natural Resources Officer, letter dated September 26, 2013

Mr. Mitchell informed Mr. and Mrs. Juros that since there were only four Board members present, any decision would have to be unanimous in their favor; he gave them the option of continuing their hearing until the next scheduled meeting on November 12, 2013. Mr. Juros asked for the continuance.

Mr. Jensen moved to continue the Public Hearing for 4 Windmill Bog Way, ADBI #13-11 to November 12, 2013 at 7pm. Mr. VanBuskirk seconded. The vote was unanimous.

Special Permit Amendment #13-12

Simi II LLC and James Chace

14B Jan Sebastian Drive

Mr. Mitchell read the Public Hearing Notice into the record. He also read the following letters into the record:

- David Mason, RS, CHO, Sandwich Health Department, letter dated October 21, 2013
- Jeff Rose, Asst. Superintendent, Sandwich Water District, letter dated October 7, 2013

Attorney Tim McNamara, representing Cape Cod BioFuels, and James Chace, President, were present. The proposal before the Board is for the sale of B99 bio-diesel to the public. The fuel would be dispensed from the current tank by adding a pump and nozzle to the

exterior of the building. Mr. Chace anticipates that the traffic flow will remain about the same. In response to a comment from the Sandwich Water District, he also said that the company had several proposals for the spillage containment.

The Board questioned the following:

- How would biofuel be distributed
- Would there be an attendant on duty the entire time/no self-service
- Parking and traffic flow issues
- Year round operation vs. seasonal
- Necessary permits/certificates from Town and State
- Management of fueling and vehicles during busy traffic times on JSD
- Containment plans

Mr. Sam Jensen questioned peak hour traffic patterns. He suggested that a trip generation estimate should be provided for the next meeting. He was also concerned about trucks stacking up on JSD while waiting to fill up. He also wondered if there was an official easement to utilize 12 JSD. There is a definite need for additional parking.

Mr. Chace and Atty. McNamara addressed most of the Board's concerns. They will bring additional information regarding trip generation and copies of permits and certificates already issued.

Mr. Jensen moved that the public hearing for Special Permit Amendment #13-12, 14B Jan Sebastian Drive, be continued to November 12, 2013 at 7pm. Mr. Schrader seconded. The vote was unanimous.

Mr. Schrader moved to adjourn. Mr. Jensen seconded. The vote was unanimous. The meeting adjourned at 7:55pm.

Respectfully submitted,

Marilyn K. Bassett