

# TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD

130 MAIN STREET  
SANDWICH, MA 02563

TEL: 508-888-4910 AND 508-888-5144

FAX: 508-833-8045

E-MAIL: [selectmen@townofsandwich.net](mailto:selectmen@townofsandwich.net)

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BOARD OF  
SELECTMEN

TOWN  
MANAGER

## BOARD OF SELECTMEN AGENDA March 17, 2016 – 7:00 P.M. Sandwich Town Hall – 130 Main Street

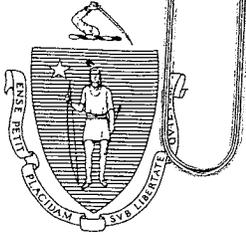
1. Convene Open Session in Auditorium & Pledge of Allegiance
2. Review & Approval of Minutes – 3/10/16
3. Public Forum (*15 Minutes*)
4. Town Manager Report
5. Correspondence / Statements / Announcements / Future Items / Follow-up (*10 Minutes*)
6. Staff Meeting (*60 Minutes*)
  - 7:30 P.M. Continuation of Public Hearing for M.G.L. c.148, §13 License: Storage of Flammables, Combustibles, or Explosives – Cape Cod Biofuels, 14B Jan Sebastian Drive, Andrew Davison, Owner
  - 8:00 P.M. Continuation of Public Liquor License Hearing: Transfer of Annual Wine & Malt License – Surf's Up Pizza of Cape Cod, Inc. d/b/a Surf's Up Pizza & Seafood, 289 Cotuit Road, Luzia Reardon, Proposed Manager
  - Public Safety Planning Group – Update on Public Safety Planning Efforts & Project Supported by Board of Selectmen
7. Old Business (*30 Minutes*)
  - FY'17 Budget Update
  - Draft List of ATM Warrant Articles – 5/2/16
  - Other Matters Not Reasonably Anticipated by the Chairman
8. New Business (*15 Minutes*)
  - Designation of Outside Expert Appraiser for Assessing Department as Special Municipal Employee
  - Memorial Day Parade – 5/30/16
  - Other Matters Not Reasonably Anticipated by the Chairman
9. Public Forum (*15 Minutes*)
10. Closing Remarks
11. Adjournment

**NEXT MEETING:** Thursday, March 24, 2016, 7:00 P.M., Town Hall

**SANDWICH BOARD OF SELECTMEN  
PUBLIC HEARING**

In accordance with M.G.L. Ch. 148 Sec. 13, the Sandwich Board of Selectmen will hold a public hearing on Thursday, February 11, 2016 at 7:15 p.m. at Sandwich Town Hall, 130 Main Street, Sandwich, MA 02563 to consider the application of Cape Cod Biofuels, Inc. for a new license to store flammables, combustibles, or explosives on land, in buildings, or structures located at 14B Jan Sebastian Drive. #27, #041-14B. Anyone wishing to be heard on the subject will be afforded an opportunity at that time.

Frank Pannorfi, Chairman  
Sandwich Board of Selectmen



FP-002A  
(Rev. 1.1.2015)

The Commonwealth of Massachusetts  
City/Town of SANDWICH

Application For License

Massachusetts General Law, Chapter 148 §13

New License     Amended License

GIS Coordinates
_____
LAT.
_____
LONG.
_____
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 14 B JAN SEBASTIAN DR #27 #041-148  
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Sim. LLC

Address of Land Owner: 17 WINDSWEEP DR SANDWICH, MA 02563

Use and Occupancy of Buildings and Structures: CAPE COO BIOFUELS, INC. MANUFACTURER OF BIODIESEL

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

**Flammable and Combustible Liquids, Flammable Gases and Solids**

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
BIODIESEL	N/A	19,000	GALLONS	STEEL TANK 2(8000) 1(3000)
GLYCERIN	N/A	6,500	GALLONS	PLASTIC TANK
WASTE VEGETABLE OIL	N/A	16,000	GALLONS	STEEL TANK 2(8000)
METHANOL	1B	7,500	GALLONS	TANKER TRAILER
DIESEL	3B	10,200	GALLONS	TANK TRUCKS 2-2800g 1-4600g

Total quantity of all flammable liquids to be stored: 7,500 gallons

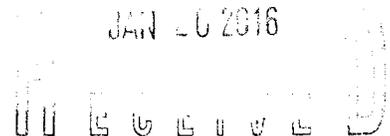
Total quantity of all combustible liquids to be stored: 29,200 gallons

Total quantity of all flammable gases to be stored: \_\_\_\_\_

Total quantity of all flammable solids to be stored: \_\_\_\_\_

SEALS

JAN 20 2016





THE 189<sup>TH</sup> GENERAL COURT OF  
THE COMMONWEALTH OF MASSACHUSETTS

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<b>Section 13</b>	<b>Licenses for land for explosives and inflammable materials; certificate of approval; record; certificate of registrations; fees; replacements and alterations of, and regulations for buildings; explosion hazard; appeals to marshal</b>	<a href="#">PREV</a> <a href="#">NEXT</a>

Section 13. No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, unless the local licensing authority shall have granted a license to use the land on which such building or other structure is or is to be situated for the aforementioned uses, after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein said land is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department. Such license shall be recorded in the office of the city or town clerk, and it shall, from the time of the granting thereof by the licensing authority, be deemed a grant attaching to the land described therein and as an incident of ownership thereof running with the land and shall not be deemed to be merely a personal privilege. Any license granted hereunder, or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall remain in force unless and until revoked as hereinafter provided. Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.

The owner or occupant of said land licensed as herein provided, and the holder of any license for the keeping, storage, manufacture or sale of any of the articles named in section nine,

granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall annually, on or before April thirtieth, file with the clerk of the city or town where such license is to be or has been exercised, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate of registration setting forth the name and address of the holder of such license; provided, that no certificate of registration shall be required for any building used as a garage for storing not more than three vehicles, when once used under such a license. The board may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively.

Every license granted under this section, and every certificate of registration filed under this section, shall be deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to such cessation. If the holder of the license fails so to eliminate such conditions, the local licensing authority may eliminate such conditions; and a claim for the expense incurred by the local licensing authority in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an account therefor to the holder of the license, and shall be recoverable from such holder in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date said debt becomes due, shall constitute a lien on said land if a statement of claim, signed by the local licensing authority, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

The marshal may, upon application and after a public hearing, reinstate and continue in force and effect any license granted prior to July first, nineteen hundred and thirty-six, for the keeping, storage, manufacture or sale of any of the articles named in said section nine, irrespective of the extent of the use and occupancy of buildings or other structures made or had under said license prior to the date of such reinstatement and continuance, anything in the provisions of this chapter to the contrary notwithstanding, unless prior to such reinstatement and continuance said license has been revoked for cause or the marshal shall have determined that a fire or explosion hazard would result from the exercise of such license. The marshal shall give written notice of such application, and of the date of the hearing thereon, to the head of the fire department of the city or town wherein is situated the land to which such application relates and shall, after such hearing, notify in like manner the clerk of such city or town of the action taken on such application.

Any license granted hereunder between July first, nineteen hundred and thirty-six and August seventeenth, nineteen hundred and fifty-one, both dates inclusive, not exercised for a period of at least three years, may be revoked by the local licensing authority after notice and hearing given to the owner or occupant of the land licensed.

When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or the head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license.

Any license granted hereunder or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority or by the marshal. Any building or structure erected or maintained under any of the aforementioned licenses shall always be subject to such replacements and alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the board may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same or similar use of the same land shall be granted within one year after the receipt by such authority of such notice.

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Town Of Sandwich  
THE OLDEST TOWN ON CAPE COD



Office of the Inspector of Buildings  
16 Jan Sebastian Drive, Sandwich, MA 02563  
Phone: 508-888-4200 Fax: 508-833-0018  
E-mail: pspiro@townofsandwich.net

January 21, 2016

Mr. Frank Pannorfi, Chairman  
Board of Selectmen  
130 Main Street  
Sandwich, MA 02563

RE: Storage Permit-Andrew Davison-Cape Cod Biofuels, Inc.

Dear Mr. Pannorfi,

The application for Andrew Davison, Cape Cod Biofuels, Inc. for a storage permit cannot be approved by this office at this time.

Currently, there is a Special Permit in place (#10-06) granted by the Sandwich Zoning Board of Appeals on August 24, 2010, attached. Under the provisions of this Special Permit, Condition #4 requires that no more than 7100 gallons may be stored in temporary storage vessels that are required to be "double walled". The applicant demonstrated through copies of deliveries of Methanol to the facility on June 23, 2015, August 14, 2015 and November 9, 2015 all have been 7,000 gallons or under. Upon receipt of these copies, on or about January 7, 2016, a verbal request was made of the applicant to show evidence that storage trailers were "double walled". This has yet to be confirmed by the applicant.

Unless the applicant can verify that the tanker (storage) trailers are "double walled", this would constitute a violation of the conditions of the Special Permit, to wit; Condition #2 which states... "Failure to comply with all conditions set forth in this decision shall terminate the grant of this special permit." Notwithstanding, it would be my interpretation that any increase to the storage of liquids would require the Zoning Board of Appeals to approve a modification to Special Permit #10-06.

Sincerely,

  
Paul D. Spiro, CBO  
Inspector of Buildings

# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD



## BOARD of APPEALS

16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508 833 8001  
Fax: 508 833 8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

### SPECIAL PERMIT CERTIFICATE OF APPROVAL

**Petition:** #10-06  
**Current Property Owner(s):** Simi II LLC  
**Applicant:** Andrew R. Davison, Cape Cod Bio-Fuels  
**Property Address:** 14B Jan Sebastian Drive, Sandwich, MA 02563  
**Town Map:** 27  
**Registry of Deeds:** Parcel: 41  
Book: 013947 Page: 00312

On August 24, 2010, the Board of Appeals voted to grant a special permit to continue operation of a bio-fuel processing plant for property located at 14B Jan Sebastian Drive as shown on assessor's Map 27, Parcel 41.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

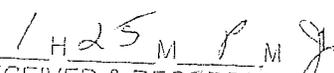
The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.

  
Board of Appeals Member \_\_\_\_\_ Date 8/26/10

TOWN CLERK  
TOWN OF SANDWICH

AUG 26 2010

  
RECEIVED & RECORDED



## PROCEDURAL HISTORY

1. Application for a special permit to continue operation of a bio-fuel processing plant required under Sandwich Protective Zoning By-law Sections 1330, 1330, 1342, 1381, and 5000 for property located at 14B Jan Sebastian Drive was made by the applicant..
2. After proper notice was given the public hearing was opened on June 8, 2010, continued on June 22, 2010, July 13, 2010, July 27, 2010, and closed on August 24, 2010.
3. The application was accompanied by a plan entitled "Parking Plan, Paul G. Bousfield, Sandwich, MA prepared by W.P. Oldham Associates dated April 26, 1998.
4. The Board reviewed the application, the plan and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:
  - Robert Jensen
  - Erik Van Buskirk
  - Frederick Watt
  - Jim Killion

## FINDINGS

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A;
2. The Board of Appeals finds that the subject property lies within the Industrial Zoning District;
3. The Board of Appeals finds that the subject property has 1.59 acres of area and one hundred fifty feet of frontage on Jan Sebastian Drive;
4. Section 1330 requirements:
  - a. The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the Shore Zoning District;
  - b. The Board of Appeals finds that nuisance, hazard or congestion will not be created;
  - c. The Board of Appeals finds that there is not substantial harm to the neighborhood;
  - d. The Board of Appeals finds that there is not derogation from the intent of the bylaw;
  - e. The Board of Appeals finds that the stated Industrial District objectives will be satisfied; and
  - f. The Board of Appeals finds that continuing the operation of a biofuel processing plant is not substantially more detrimental to the neighborhood.
5. The Board of Appeals finds that this application meets the requirements of Sandwich Protective Zoning By-law Sections 1330, 1340, 1342, 1381 and 5000;
6. The Board of Appeals finds that the application for special permit substantially conforms to the Sandwich Protective Zoning By-Laws;
7. Several members of the Board inspected the facility at 14B Jan Sebastian Drive;
8. The applicant submitted the following documents: "BioDiesel Production & Storage of By-Products" and documentation from the DEP indicating that vegetable oil does not meet the definition of oil;
9. The Board of Appeals finds the use to be allowed under Section 2300;
10. The Board of Appeals finds that the application meets the lot coverage requirements of Section 2600 as "vegetable oil" does not fall within the DEP definition of fuel oil;
11. Applicant proposes double wall tanker trailers as temporary storage vessels;
12. The State Fire Marshall has approved the use of tanker trailers as temporary storage vessels;
13. The applicant has demonstrated adequate site containment to the Board of Health; and
14. The applicant has received a Certificate of Water Quality Compliance dated August 9, 2010 from the Board of Health.



Motion: I, Robert Jensen, move to adopt these findings as the findings of the Board of Appeals.  
 Second: Erik VanBuskirk  
 Vote: Robert Jensen yes  
 Erik Van Buskirk yes  
 Frederick Watt yes  
 James Killion yes

**CONDITIONS:**

At the public hearing, the Board of Appeals considered potential conditions of approval for this special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit, that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Pursuant to the requirements of Sandwich Protective Zoning By-law Sections 1330, 1340, 1342, 1381 and 5000 the grant of special permit shall expire upon:
  - Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit; or
  - If no substantial construction or occupancy takes place within (12) twelve months of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
2. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit;
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals; and
4. The double wall tanker trailers shall contain no more than 7100 gallons. These trailers may be located on northerly and easterly elevations of the site.

Motion: I, Robert Jensen, move to impose the above conditions of approval upon any approval of the special permit.  
 Second: Erik VanBuskirk  
 Vote: Robert Jensen yes  
 Erik Van Buskirk yes  
 Frederick Watt yes  
 James Killion yes

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 14B Jan Sebastian Drive, Sandwich assessor's map 27, parcel 41 for use as Manufacturing/Processing/Bulk Storage Use pursuant to Zoning By-law Sections 1330,1340, 342, 1381 and 5000 and further described as an Industrial/Utility Use in accordance with the conditions stated above.

Motion: I, Robert Jensen, move to approve the special permit in consideration of the findings of the Board of Appeals.  
 Second: Erik VanBuskirk  
 Vote: Robert Jensen yes  
 Erik Van Buskirk yes  
 Frederick Watt yes  
 James Killion yes



Town of Sandwich  
THE OLDEST TOWN ON CAPE COD



BOARD OF APPEALS

16 Jan Sebastian Drive, Sandwich, MA 02563  
Phone: 508 833 8001  
Fax: 598 833 8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

RECEIVED

MAY 17 2010

MAY 17 2010

10-06

12 H 00 M P M  
RECEIVED & RECORDED

Application for Special Permit

BOARD OF APPEALS

To the Board of Appeals of the Town of Sandwich,  
The undersigned herewith submits an application and requests a hearing before the Board of Appeals for a Special Permit under Section See Below of Sandwich Protective Zoning By-law for the purpose of CONTINUED OPERATION OF BIO FUEL PROCESSING PLANT

SECTION 1330, 1340, 1342, 1381 AND REG. OF 5000

\*Section 2310 lists principal uses allowed, not allowed or requiring a special permit. Some areas of Town have specific additional requirements for certain uses i.e. water recharge areas, 3 Ponds District, Marine District.

Subject property Map # 27, Parcel # 041. (Found on tax bill)

Registry of Deeds title reference: Book 013947, Page 00312, or Certificate Of Title Number \_\_\_\_\_ & Land Court Lot # \_\_\_\_\_ & Plan # \_\_\_\_\_  
(Call Barnstable County Registry at (508) 362-7733).

Property Street Address: 14 B JAN SEBASTIAN DR SANDWICH, MA 02563

Lot area of subject property (Found on tax bill): 1.59 Acres

Frontage dimension of subject property (Call Assessor's Office at (508) 888-0157): 150'

Date subject lot was created in its present form (Call Barnstable County Registry at (508) 362-7733): 8/17/1998

Property Owner (s): Simi II LLC

Owner's Permanent Address: 17 Windsor Pt, Sandwich

Daytime Phone #: 508 888 2010 Email: BaeseHouse@Verizon.net

Signature of Property Owner(s): John Simi

Applicant: Andrew R. Davison

Applicant's Address: 14 B JAN SEBASTIAN DRIVE SANDWICH, MA 02563

Daytime Phone #: 508 833 8666 Email: adavison@capecodbiofuels.com

Signature of Applicant: [Signature]

Signature of Authorized Agent: [Signature]

Daytime Phone #: 508 833 8666 Email: adavison@capecodbiofuels.com

**Cape Cod**



**BioFuels**

## Bio Diesel Production and Storage of Byproducts

### Bio Diesel Production Procedure

#### Collection of WVO (Waste Vegetable Oil)

WVO is collected on a daily basis from area restaurants.

Vacuum equipped vehicles with various sized tanks collect the WVO

WVO is returned to facility, where it is heated, filtered and dewatered

#### WVO processing into biodiesel

WVO is transferred from holding tank into processors.

Methanol is transferred from holding tank into meth oxide mix tank.

*See drawing*

Potassium hydroxide is metered into tank and mixes with methanol.

Meth oxide mixture is fed into WVO processors and mixed for a period of time

Biodiesel mixture is allowed to sit, glycerin is removed and pumped into

Glycerin holding tank.

Biodiesel is pumped into wash tank and mist washed. Wash water is pumped

Into holding tank.

Biodiesel is then dried in the same tank.

Finished biodiesel is pumped into finished holding tank.

Biodiesel is distributed to Fuel Company

#### Waste Glycerin

Held in 6250 gallon approved storage tank. Collected by MI Biodiesel and  
Turned into animal feed, soap products and cosmetics.

#### Waste Water

Held in 2000 gallon approved storage tank. Collected by Bousfield Septic  
Service and disposed of at approved Waste Water Treatment Facility

#### Waste Food Stuffs

Held in 2000 gallon approved storage tank. Delivered to Watts Family Farms  
Compost site in Carver, MA. An approved compost site by the  
MA DEP.



### CERTIFICATE OF MINOR MODIFICATION TO SPECIAL PERMIT

**PROPERTY ADDRESS: 14B Jan Sebastian Drive**

**NAME OF APPLICANT: Cape Cod Biofuels, Inc.**

On March 8, 2016 the Zoning Board of Appeals voted to approve a Minor Modification to Special Permit #10-06 to modify wording to one finding and one condition of the original Special Permit at 14B Jan Sebastian Drive, as shown on assessor's map 27, parcel 41.

The Zoning Board of Appeals finds that language in the original permit that specified the type of storage containers to be used for storage of methanol made compliance with the special permit unreasonably burdensome and perhaps impossible. Changes to the special permit language shall be as follows:

1. Delete finding number 11 on page 2 of said permit and replace with the following:  
*Applicant proposes tanker trailers as temporary storage vessels.*
  
2. Delete condition number 4, on page 3 of said permit, and replace with the following:  
*The tanks, of any kind permitted by law and regulations by the State and Town of Sandwich for the storage of methanol, shall contain no more than 7100 gallons. These trailers may be located on northerly and easterly elevations of the site.*

Motion: I, Christopher Neeven, move to adopt the above modifications to special permit #10—06 for applicant, Cape Cod Biofuels, Inc. located at 14B Jan Sebastian Drive

Second: David Schrader

Vote:	Robert Jensen	yes
	David Schrader	yes
	James Killion	yes
	Erik Van Buskirk	yes
	Chris Neeven	yes

---

Signature of board member

Date



# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD



## BOARD of APPEALS

16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508 833 8001  
Fax: 508 833 8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

### Special Permit CERTIFICATE OF APPROVAL

**Petition #** 16-01  
**Current Property Owner(s):** Pasquale J. Russo, IV, Trustee  
PJR Realty Trust  
**Applicant:** Owner  
**Property Address:** 145 Route 130  
**Town Map: 17** Parcel: 9  
**Certificate of Title: 188826** Plan: 38251-A

On February 23, 2016, the Board of Appeals voted to grant a special permit under section 2540 of the by-law for construction of second principal building on one 17 acre lot and using it as applicant's home.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a special permit and that copies of said decision, and of all plans referred to in the decision have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that G. L., c 40A, § 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in § 17 of c 40A, G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.

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Board of Appeals Member

Date



## PROCEDURAL HISTORY

1. Application received on January 14, 2016 for a special permit under section 2540 of the by-law for construction of second principal building on one 17 acre lot and using it as applicant's home.
2. After proper notice was given the public hearing was opened on February 23, 2016 and closed on February 23, 2016.
3. The application was accompanied by a plan entitled "SITE PLAN" dated 11/05/2015, by Warwick & Associates Inc.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:
  - James Killion
  - Harold Mitchell
  - Robert Jensen
  - David Schrader
6. The following members listened to a full audio recording of the public hearing on February 23, 2016, which allows them to participate in the deliberation of this decision under general law c. 39:
  - Chris Neeven
  - Erik Van Buskirk

## FINDINGS

1. The Board of Appeals finds that the Fire Department requires the hammerhead turnaround that is shown in the submitted plan.
2. The Board of Appeals finds that the subject property lies within the R-2 district, a residential district.
3. The Board of Appeals finds that the subject property has 17.13 acres.
4. The Board of Appeals finds that the subject property has 300+/- feet of frontage on Route 130.
5. The Board of Appeals finds that the proposed building will have 3,230+/- square feet.
6. The Board of Appeals finds that the remainder of the dimensional requirements under section 2600 of the by-law are satisfied.
7. Section 1330 requirements:
  - a. The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
  - b. The Board of Appeals finds that nuisance, hazard or congestion will not be created;
  - c. The Board of Appeals finds that there will not be substantial harm to the neighborhood;
  - d. The Board of Appeals finds that there is no derogation from the intent of the bylaw;
  - e. The Board of Appeals finds that the stated R-2 Districts' objectives will be satisfied;
  - f. The Board of Appeals finds that the proposal for a second principal building located at 145 Route 130 **is not** substantially more detrimental to the neighborhood;
8. The Board of Appeals finds that this application meets the requirements of Sandwich Protective Zoning By-law Section 1330 and 2600; and
9. The Board of Appeals finds that the application for a special permit does substantially conform to the Sandwich Protective Zoning By-Laws.
10. The Board of Appeals finds that this application meets the requirements of § 9, G.L. c 40A pertaining to Special Permits.
11. Applicant stated a preference to utilize a northwesterly access from William Richards Way.

Motion: I, Robert Jensen, move to adopt these findings as the findings of the Board of Appeals.

Second: Christopher Neeven



Vote:	James Killion	Yes
	Erick Van Buskirk	Yes
	Robert Jensen	Yes
	David Schrader	Yes
	Christopher Neeven	Yes

**CONDITIONS:**

At the public hearing, the Board of Appeals considered potential conditions of approval for this special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. The Applicant must construct the hammerhead turnaround as shown on the accompanying site plan or some other means of turnaround but only if deemed equal or better than that shown by the Fire Department.
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. The applicant shall submit a letter of approval from the Sandwich School Dept. verifying the access.
5. The applicant shall submit a plan detailing the final driveway plan.

Motion: I, Robert Jensen, move to impose the above conditions of approval upon any approval of the special permit.

Second: Christopher Neeven

Vote:	James Killion	Yes
	David Schrader	Yes
	Erik Van Buskirk	Yes
	Robert Jensen	Yes
	Christopher Neeven	Yes

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 145 Route 130, Sandwich assessor's map 17, parcel 9 for construction single family dwelling.

Motion: I, David Schrader, move to approve the special permit in consideration of the findings of the Board of Appeals.

Second: Christopher Neeven

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes
	Robert Jensen	Yes
	David Schrader	Yes
	Christopher Neeven	Yes



# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD



## BOARD OF HEALTH

16 Jan Sebastian Drive  
Sandwich, MA 02563

PHONE: (508) 888-4200

FAX: (508) 833-0018

E-mail: health@townofsandwich.net

### MEMORANDUM

**TO:** Town of Sandwich Zoning Board of Appeals

**FROM:** David B. Mason, RS, CHO, Director of Public Health

**DATE:** March 4, 2016, 2016

**SUBJECT:** Cape Cod Biofuel, 14B Jan Sebastian Drive, Minor Modification Request

The Health Department has reviewed the request for Minor Modification submitted by Cape Cod Biofuel Dated March 4, 2016.

The Sandwich Protective Zoning By-Laws; Section 5000, Water Protection Districts, specifically 5040 Performance Standards for Allowed Uses (c) requires all hazardous materials storage is subject to CMR 22.21(2)(b)(5).

Attached is the aforementioned CMR 22.21. CMR 22.21(b) (5) allows the storage of hazardous materials in a Zone II as long as specific conditions are adhered to; above ground level, on impervious surface and in an above ground container in a building or covered outdoors in an above ground tank that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest containers storage capacity...

The Massachusetts Oil and Hazardous Materials List lists Methanol as a Hazardous Material with a reportable quantity, thus the storage of Methanol is subject to the referenced (and attached) regulations.

Such requirements would apply to any materials identified as hazardous materials that are being utilized by Cape Cod Biofuel except for petroleum diesel fuel contained on home heating oil delivery trucks, which are subject to DOT Regulations.

Cc: file

**ARTICLE V**  
**WATER PROTECTION DISTRICTS (Amended ATM 07)**

**5000. PURPOSE.** The purpose of these regulations is, in the interest of public health, safety and general welfare, to preserve the quality and quantity of the town's groundwater resources in order to insure a safe and healthy public water supply.

**5010. CREATION.** Water Resource Overlay Districts are hereby created covering the areas described on the *Map entitled "Title 5 Setback Areas, Sandwich, Data Sources, MA DEP Approved Zone II: MA DEP DWP, Interim Wellhead Protection Areas (IWPA); MA DEP, Surface Water Supply Protection Areas (Zone A); MA DEP, Public Water Supplies (PWS); MA DEP DWP,"* dated July 20, 2006 as produced by the MassGIS for the Massachusetts Department of Environmental Protection as amended. Said map is on file with the Planning Board and the Board of Health and is hereby made a part of this By-Law. These Water Resource Districts shall be considered to be superimposed over any other districts established in this By-Law. Where applicable, the requirements of this overlay district shall be construed to supersede any less stringent requirements of the underlying districts. (Amended STM 4/1/96, ATM 99 and ATM 07)

**5020. DEFINITIONS.** (Amended ATM 92) For the purpose of this bylaw, the following will define terms used within:

**CULTIVATED LAWNS** – shall mean a vegetation cover of sod forming grass species, which is regularly fertilized, irrigated, and maintained at a height of four inches (4) or less, on an appropriate loam base.

**DISPOSAL** – shall mean the deposit, injection, dumping, spilling, leaking, incineration or placing of any material into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

**GROUND WATER** – shall mean all the water found beneath the surface of the ground.

**HAZARDOUS MATERIALS** – shall mean any product or waste or combination of substances which, because of quantity, concentration, or physical or chemical, or infectious, or radioactive characteristics may reasonably pose, in the determination of the enforcing authority, a substantial present or potential hazard to human health, safety or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed; any substance which may create a special hazard in the event of spill, leak, fire, or exposure; and all substances deemed to be hazardous waste as defined in MGL Chapter 21C Section 2 and the Hazardous Waste Regulations promulgated thereunder by Massachusetts Department of Environment Protection (DEP) at 310C CMR 30.010 in amounts in excess of that normally used in household maintenance; or other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environment Protection Agency.

**HISTORICAL HIGH GROUND WATER LEVEL** – shall mean the highest ground water elevation that is likely to occur at a given location, based on calculations according to the High Ground water methodology specified in the U.S.G.S. Water Resource Investigations 83-4112 by Frimpter et.al. and any subsequent revisions.

**IMPERVIOUS SURFACE** – shall mean any material on the ground that does not allow surface water to penetrate into the soil.

**LOAM** – shall mean fertile, friable, natural topsoil of the locality, without admixture of subsoil, refuse or other foreign materials, and as further defined by the Barnstable County Extension Service.

**PROCESS WASTEWATER** – shall mean wastewaters disposed of on site other than sanitary wastewater.

**RECHARGE AREA** – shall mean the area encompassing land and water surface through which precipitation enters the groundwater body, and from which groundwater flows naturally or is drawn by pumping into a water well.

**SURFACE WATER LEVEL** – shall be determined as provided for under Section 3610 of this Zoning Bylaw.

**5030. USE REGULATIONS.** (Amended ATM 92, ATM 99 and 07 and May 2009)

**PROHIBITED USES.** Within the Water Resource District, the following uses are prohibited:

- A. Sanitary landfills and open dumps;
- B. Landfilling or land disposal of septage or sewage sludge;
- C. Automobile graveyards or junkyards;

- D. Petroleum Bulk Stations and Terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) 5171 (Not including liquefied petroleum gas) and SIC 5983;
- E. Dry cleaning establishments;
- F. Metal plating operations/businesses unless with a 100% recycle process subject to the issuance of a Certificate of Water Quality Compliance by the Board of Health;
- G. Boat and motor vehicle service and repair may be allowed upon the issuance of a Certificate of Water Quality Compliance by the Board of Health (ATM May 2009).
- H. Car washes – unless with 100% recycle process requiring the issuance of a Certificate of Water Quality Compliance by the Board of Health and the approval by the State Department of Environmental Protection;
- I. Any activity or occupations that generate, treat, store or dispose of hazardous waste, which is subject to MGL Chapter 21C and 310 CMR 30.00, including without limitation, solid waste, hazardous waste, leachable waste, chemical waste, radioactive waste, and waste oil, except that waste oil retention facilities required by MGL Chapter 21, Section 41a and meeting the standards set forth in 310 CMR 22.22(2)(a) 4. Storage of household quantities may be allowed upon the issuance of a Certificate of Water Quality Compliance by the Board of Health;
- J. Industrial or commercial uses which dispose of process liquids on site;
- K. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow and ice on roads, or the stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal from highways and streets located outside the Water Resource District;
- L. Storage of pesticides, as defined in MGL Chapter 132B, Section 2, unless such storage is within a building or structure with an impermeable cover and liner that, pursuant to the issuance of a Certificate of Water Quality Compliance, the Board of Health has determined is designed so as to prevent an accidental release onto or below the land surface;
- M. Storage of commercial fertilizers and soil conditioners, as defined in MGL Chapter 128, Section 64, except in a structure with an impermeable cover and liner which, pursuant to the issuance of a Certificate of Water Quality Compliance, the Board of Health has determined is designed so as to prevent an accidental release onto or below the land surface;
- N. Any wastewater treatment plants except those that discharge outside the Water Resource District. A hydrogeologic evaluation shall be required if wastewater flows exceed 2,000 g.p.d.;
- O. Animal feedlots; (not applicable to parcels of land over five acres in size);
- P. Stockpiling of animal manures, except in a structure with an impermeable cover and liner and subject to a Certificate of Water Quality Compliance issued by the Board of Health;
- Q. Storage of septage or sewage sludge except in a structure with an impermeable cover and liner in compliance with MGL 310 CMR 32.30 and 310 CMR 32.31 and subject to a Certificate of Water Quality Compliance by the Board of Health if such proposal is compliant with 310 CMR 32.30 and 310 CMR 32.3 so as to prevent an accidental release into or on land surface;
- R. Any other use, which involves as a principal activity the manufacture, transportation, or on site disposal of toxic or hazardous materials;
- S. Land uses that result in rendering impervious any lot or parcel by more than 15% or 2,500 square feet, whichever is greater, unless a system for artificial recharge of precipitation is provided that the Board of Health has determined will not result in the degradation of groundwater quality.

**5040. PERFORMANCE STANDARDS FOR ALLOWED USES.** (Amended ATM 92 and ATM 07.) To preserve the natural land surface providing high quality recharge to the groundwater, to control sewage and septage flow and fertilizer application to amounts which will be diluted adequately by natural recharge, to prevent the formation of plumes of contamination in the groundwater system, and to prevent the discharge of leakage of toxic or hazardous substances into the groundwater, all allowed uses shall meet the following performance standards:

- A. The concentration of nitrate resulting from wastewater disposal and from fertilizer application, when diluted by rainwater recharge on the lot shall not exceed five (5) parts per million (p.p.m.)
  - 1. Existing buildings are exempt and must adhere to a standard of seven (7) parts per million (p.p.m.).
- B. For all uses combined, wastewater flow disposed on site shall not exceed 20,000 gallons per day. All cultivated lawns shall have a loam base of six inches (6").
- C. All toxic or hazardous materials shall be stored in product tight containers protected from corrosion, accidental damage or vandalism and shall be used and handled in such a way as to prevent spillage into the ground or surface waters. Spill containment will be provided for all storage. A product inventory and manifest system shall be maintained and reconciled with purchase, use, sales and disposal records at sufficient intervals to detect product loss. The storage of toxic and hazardous materials shall be subject to compliance with 310 CMR 22.21(2)(b)(5) and a Certificate of Water Quality Compliance issued by the Board of Health.

## 22.21: continued

source of supply removed from service shall be maintained by the supplier of water as an emergency source of water supply unless the Department finds in writing that the source is not needed by the supplier of water for present or future water supply.

(m) Notwithstanding any other regulatory provision to the contrary, the Department may exempt a supplier of water from any of the requirements set forth in 310 CMR 22.21(1)(d) while a state of water emergency declared pursuant to M.G.L. c. 21G, § 15, is in effect. In the event that the Department grants such an exemption, the well, wellfield, or spring shall remain on-line only for the duration of the state of water emergency, as determined by the Department.

(2) Wellhead Protection Zoning and Nonzoning Controls

(a) Wellhead protection zoning and nonzoning controls submitted to the Department in accordance with 310 CMR 22.21(1), shall collectively prohibit the siting of the following land uses within the Zone II, or Zone III if the criteria of 310 CMR 22.21(1)(f) have been met, of the proposed well, wellfield, or spring, whichever is applicable:

1. landfills and open dumps, as defined in 310 CMR 19.006;
2. landfills receiving only wastewater residuals and/or septage (wastewater residuals "monofills") approved by the Department pursuant to M.G.L. c. 21, § 26 through 53; M.G.L. c. 111, § 17; M.G.L. c. 83, §§ 6 and 7, and any regulations promulgated thereunder.
3. automobile graveyards and junkyard, as defined in M.G.L. c. 140B, § 1;
4. stockpiling and disposal of snow or ice removed from highways and streets located outside of Zone II that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;
5. petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 (not including liquified petroleum gas) and 5983. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto;
6. treatment or disposal works subject to 314 CMR 5.00 for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5), except the following:
  - a. the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and
  - b. treatment works approved by the Department designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05 (13); and
  - c. publicly owned treatment works, or POTWs.
7. facilities that generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.000, except for the following:
  - a. very small quantity generators, as defined by 310 CMR 30.00;
  - b. household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;
  - c. waste oil retention facilities required by M.G.L. c. 21, § 52A; and
  - d. treatment works approved by the Department designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.
8. any floor drainage systems in existing facilities, in industrial or commercial hazardous material and/or hazardous waste process areas or storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 10.00), connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies.

(b) Wellhead protection zoning and nonzoning controls submitted to the Department in accordance with 310 CMR 22.21(1), shall collectively prohibit the siting of the following

22.21: continued

land uses within the Zone II, or Zone III if the criteria of 310 CMR 22.21(1)(f) have been met, of the proposed well, wellfield, or spring, whichever is applicable, unless designed in accordance with the performance standards specified below in 310 CMR 22.21(2)(b)1. through 7.:

1. storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
2. storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
3. storage of commercial fertilizers, as defined in M.G.L. c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
4. storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate;
5. storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products unless such storage is:
  - a. above ground level, and
  - b. on an impervious surface, and
  - c. either
    - (i) in container(s) or above-ground tank(s) within a building, or
    - (ii) outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;

however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;

6. the removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works, or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to M.G.L. c. 131, § 40;
  7. and land uses that result in the rendering impervious of more than 15% or 2500 square feet of any lot or parcel, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.
- (c) The proponent shall give written notice to the Department of any and all local by-laws, ordinances, rules and regulations that allow for the grant of a variance, waiver or exemption from any of the wellhead protection zoning or nonzoning controls submitted to the Department for approval in accordance with 310 CMR 22.21 before placing the proposed well, wellfield, or spring on-line.
- (d) The Department may require as part of the Source Approval process requirements of 310 CMR 22.21(1) (c), the completion of a nitrogen loading analysis for the new well, wellfield, or spring's Zone II. A nitrogen loading analysis shall be required when, in the Department's judgement, the type and level of land use within the Zone II or other information reasonably indicates that nitrate concentrations in the well, wellfield, or spring may or will exceed five mg/l nitrate.

Public water systems required by their Water Management Act permits issued under 310 CMR 36.00 to define Zone IIs and implement land use controls shall be required to conduct a nitrate loading analysis as part of the Zone II delineation for well, wellfield, or springs that have exceeded five mg/l nitrate.

Public water systems whose required nitrate loading analysis predicts >five mg/l nitrate or whose well, wellfield, or spring has exceeded five mg/l nitrate must prepare a nitrate management plan, subject to the Department's approval, which seeks to maintain nitrate levels below five mg/l for the subject well in the long-term.

SUBPART P: MASSACHUSETTS OIL AND HAZARDOUS MATERIAL LIST

TABLE OF CONTENTS

TABLE 1 - MASSACHUSETTS OIL AND HAZARDOUS MATERIAL LIST (ALPHABETICAL LISTING)

TABLE 2 - MASSACHUSETTS OIL AND HAZARDOUS MATERIAL LIST (BY CAS NUMBER ORDER)

NOTES:

The Massachusetts Oil and Hazardous Materials List (MOHML) contains oils and hazardous materials subject to 310 CMR 40.0000 and their reportable quantities (RQs) and reportable concentrations (RCs). These values are referred to in the notification requirements (310 CMR 40.0300). This list is provided both alphabetically in Table 1 and by Chemical Abstracts Service Number (CAS Number) in Table 2. The CAS number is a unique number assigned to a substance. Both tables identify other lists on which a substance appears by using name source codes. These codes are as follows:

- < Name Source 1 - The Department of Transportation (DOT) Hazardous Materials List (49 CFR Part 172.101 Hazardous Materials Table)
- < Name Source 2 - The Resource Conservation and Recovery Act Appendix VIII List (40 CFR Part 261 - Appendix VIII Hazardous Constituents)
- < Name Source 3 - The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Hazardous Substance and Waste Stream Lists (40 CFR Part 302 - Table 302.4)
- < Name Source 4 - The Extremely Hazardous Substance List as mandated by Superfund Amendments and Reauthorization Act, Title III, Section 302 (40 CFR Part 355 Appendices A and B)
- < Name Source 5 - DEP Allowable Ambient Limits (AALs) and Drinking Water Guidelines
- < Name Source 6 - The Massachusetts Substance List (MSL)(105 CMR 670.000: "Right to Know" Appendix A)
- < Name Source 7 - The Chemical Abstracts name, 9th collective period, 1972-1976
- < Name Source 8 - The EPA Right to Know list, Section 313 of the Emergency Planning and Community Right to Know Act of 1986 (40 CFR Part 372.65).

MASSACHUSETTS OIL AND HAZARDOUS MATERIAL LIST  
TABLE I ALPHABETICAL ORDER

CHEMICAL NAME	CAS NUM.	DEP RQ (Pounds)	NAME SOURCES	GWI (mg/l)	Reportable Concentrations				
					GW2 (mg/l)	S1 (mg/kg)	S2 (mg/kg)		
METHANESULFONIC ACID, ETHYL ESTER	00062-50-0	1	2,3,7,6	0.1	1	10	100		
METHANESULFONYL FLUORIDE	00558-25-8	1	7,4	0.1	1	10	100		
METHANETHIOL	00074-93-1	10	2,3,6,7,1,4,8	1	10	100	1000	3	
METHANETHIOL, TRICHLORO-	00594-42-3	10	2,1,3,4,6	1	10	100	1000	1	
METHANIMIDAMIDE, N,N-DIMETHYL-N'-[2-METHYL-4-[[...]	17702-57-7	1	7,4	0.1	1	10	100	0	
METHANIMIDAMIDE, N,N-DIMETHYL-N'-[3-[[METHYLAMI...	23422-53-9	1	7,4,1	0.1	1	10	100		
4,7-METHANO-1H-INDENE, 1,2,4,5,6,7,8,8-OCTACHLORO-2,3,	57-74-9	1	3,4,5,8,1,2,6	0.002	0.002	0.7	30		
4,7-METHANO-1H-INDENE, 1,2,4,5,6,7,8,8-OCTACHLORO-2,3,	12789-03-6	1	3,4,5,8,1,2,6	0.002	0.002	5	30	C	
4,7-METHANO-1H-INDENE, 1,4,5,6,7,8,8-HEPTACHLORO-2,3,...	1024-57-3	1	3,2,6	0.0002	0.002	0.1	0.9	M	
4,7-METHANO-1H-INDENE, 3A,4,7,7A-TETRAHYDRO-	00077-73-6	10	7,6	1	10	100	1000	R	
-----									
4,7-METHANO-1H-INDENE,1,4,5,6,7,8,8-HEPTACHLORO-3A,4,...	76-44-8	1	1,2,3,5,6,7,8	0.0004	0.001	0.3	2	:	
4,7-METHANO-1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TE...	00991-42-4	1	7,4	0.1	1	10	100	D	
6,9-METHANO-2,4,3-BENZODIOXATHIEPIN, 6,7,8,9,10,10-...	01031-07-8	1	1,3,6	(See RCs of any listed constituents)					E
6,9-METHANO-2,4,3-BENZODIOXATHIEPIN, 6,7,8,9,10,10-H...	33213-65-9	1	1,2,3,6,4	0.002	0.002	0.5	1	P	
6,9-METHANO-2,4,3-BENZODIOXATHIEPIN,6,7,8,9,10,10-H...	115-29-7	1	1,2,3,6,4	0.002	0.002	0.5	1	A	
2,5-METHANO-2H-INDEO(1,2-B)OXIRENE,2,3,4,5,6,7,8-HE...	1024-57-3	1	3,2,6	0.0002	0.002	0.1	0.9	R	
3,6-METHANO-8H-1,5,7-TRIOXACYCLOPENTA[IJ]CYCLOPROP[...]	00124-87-8	1	7,4	0.1	1	10	100	T	
METHANOIC ACID	00064-18-6	100	2,3,1,6,8	10	100	1000	10000	M	
4,7-METHANOINDAN, 1,2,4,5,6,7,8,8-OCTACHLORO-3A,4,7,...	57-74-9	1	3,4,5,8,1,2,6	0.002	0.002	0.7	30	E	
4,7-METHANOINDAN, 1,2,4,5,6,7,8,8-OCTACHLORO-3A,4,7,...	12789-03-6	1	3,4,5,8,1,2,6	0.002	0.002	5	30	N	
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4,7-METHANOISOBENZOFURAN, 1,3,4,5,6,7,8,8-OCTACH...	00297-78-9	1	7,4	0.1	1	10	100	T	
METHANOL	00067-56-1	100	1,3,6,7,8	10	100	1000	10000		
METHANOL, SODIUM SALT	00124-41-4	50	1,3	(See RCs of any listed constituents)					O
METHAPYRILENE	00091-80-5	100	2,3,6	10	100	1000	10000	F	
1,3,4-METHENO-1H-CYCLOBUTA[CD]PENTALENE, 1,1A,2,2,3,3A...	02385-85-5	1	7,5,6,1	0.1	1	10	100		
1,3,4-METHENO-2H-CYCLOBUTA[CD]PENTALEN-2-ONE, 1,1A,3,3A...	00143-50-0	1	7,1,2,3,6	0.1	1	10	100	E	
1,2,4-METHENOCYCLOPENTA[CD]PENTALENE-5-CARBOXALDEHD..	07421-93-4	1	7,1,3,6	0.1	1	10	100	N	
METHIDATHION	00950-37-8	1	6,4,1	0.1	1	10	100	V	
METHIOCARB	02032-65-7	5	3,4,1,6	0.5	5	50	500	I	
METHOMYL	16752-77-5	10	4,6,1,2,3	1	10	100	1000	R	

\* Names Sources: 1 = DOT; 2 = RCRA; 3 = CERCLA HSL; 4 = SARA EHS; 5 = DEP; 6 = MSL; 7 = 9CI; 8 = RTK

## Common Organic Solvents: Table of Properties<sup>1,2,3</sup>

Solvent	formula	MW	boiling point (°C)	melting point (°C)	density (g/mL)	solubility in water (g/100g)	Dielectric Constant <sup>3,4</sup>	flash point (°C)
acetic acid	C <sub>2</sub> H <sub>4</sub> O <sub>2</sub>	60.052	118	16.6	1.0446	Miscible	6.20	39
acetone	C <sub>3</sub> H <sub>6</sub> O	58.079	56.05	-94.7	0.7845	Miscible	21.01	-20
acetonitrile	C <sub>2</sub> H <sub>3</sub> N	41.052	81.65	-43.8	0.7857	Miscible	36.64	6
benzene	C <sub>6</sub> H <sub>6</sub>	78.11	80.1	5.5	0.8765	0.18	2.28	-11
1-butanol	C <sub>4</sub> H <sub>10</sub> O	74.12	117.7	-88.6	0.8095	6.3	17.8	37
2-butanol	C <sub>4</sub> H <sub>10</sub> O	74.12	99.5	-88.5	0.8063	15	17.26	24
2-butanone	C <sub>4</sub> H <sub>8</sub> O	72.11	79.6	-86.6	0.7999	25.6	18.6	-9
<i>t</i> -butyl alcohol	C <sub>4</sub> H <sub>10</sub> O	74.12	82.4	25.7	0.7887	Miscible	12.5	11
carbon tetrachloride	CCl <sub>4</sub>	153.82	76.8	-22.6	1.594	0.08	2.24	--
chlorobenzene	C <sub>6</sub> H <sub>5</sub> Cl	112.56	131.7	-45.3	1.1058	0.05	5.69	28
chloroform	CHCl <sub>3</sub>	119.38	61.2	-63.4	1.4788	0.795	4.81	--
cyclohexane	C <sub>6</sub> H <sub>12</sub>	84.16	80.7	6.6	0.7739	<0.1	2.02	-20
1,2-dichloroethane	C <sub>2</sub> H <sub>4</sub> Cl <sub>2</sub>	98.96	83.5	-35.7	1.245	0.861	10.42	13
diethylene glycol	C <sub>4</sub> H <sub>10</sub> O <sub>3</sub>	106.12	246	-10	1.1197	10	31.8	124
diethyl ether	C <sub>4</sub> H <sub>10</sub> O	74.12	34.5	-116.2	0.713	7.5	4.267	-45
diglyme (diethylene glycol dimethyl ether)	C <sub>6</sub> H <sub>14</sub> O <sub>3</sub>	134.17	162	-68	0.943	Miscible	7.23	67
1,2-dimethoxyethane (glyme, DME)	C <sub>4</sub> H <sub>10</sub> O <sub>2</sub>	90.12	84.5	-69.2	0.8637	Miscible	7.3	-2
dimethylformamide (DMF)	C <sub>3</sub> H <sub>7</sub> NO	73.09	153	-60.48	0.9445	Miscible	38.25	58
dimethyl sulfoxide (DMSO)	C <sub>2</sub> H <sub>6</sub> OS	78.13	189	18.4	1.092	25.3	47	95
1,4-dioxane	C <sub>4</sub> H <sub>8</sub> O <sub>2</sub>	88.11	101.1	11.8	1.033	Miscible	2.21(25)	12
ethanol	C <sub>2</sub> H <sub>6</sub> O	46.07	78.5	-114.1	0.789	Miscible	24.6	13
ethyl acetate	C <sub>4</sub> H <sub>8</sub> O <sub>2</sub>	88.11	77	-83.6	0.895	8.7	6(25)	-4
ethylene glycol	C <sub>2</sub> H <sub>6</sub> O <sub>2</sub>	62.07	195	-13	1.115	Miscible	37.7	111
glycerin	C <sub>3</sub> H <sub>8</sub> O <sub>3</sub>	92.09	290	17.8	1.261	Miscible	42.5	160
heptane	C <sub>7</sub> H <sub>16</sub>	100.20	98	-90.6	0.684	0.01	1.92	-4
Hexamethylphosphoramide (HMPA)	C <sub>6</sub> H <sub>18</sub> N <sub>3</sub> OP	179.20	232.5	7.2	1.03	Miscible	31.3	105
Hexamethylphosphorous triamide (HMPT)	C <sub>6</sub> H <sub>18</sub> N <sub>3</sub> P	163.20	150	-44	0.898	Miscible	??	26
hexane	C <sub>6</sub> H <sub>14</sub>	86.18	69	-95	0.659	0.014	1.89	-22

Solvent	formula	MW	boiling point (°C)	melting point (°C)	density (g/mL)	solubility in water (g/100g)	Dielectric Constant <sup>3,4</sup>	flash point (°C)
methanol	CH <sub>4</sub> O	32.04	64.6	-98	0.791	Miscible	32.6(25)	12
methyl <i>t</i> -butyl ether (MTBE)	C <sub>5</sub> H <sub>12</sub> O	88.15	55.2	-109	0.741	5.1	??	-28
methylene chloride	CH <sub>2</sub> Cl <sub>2</sub>	84.93	39.8	-96.7	1.326	1.32	9.08	1.6
<i>N</i> -methyl-2-pyrrolidinone (NMP)	CH <sub>5</sub> H <sub>9</sub> NO	99.13	202	-24	1.033	10	32	91
nitromethane	CH <sub>3</sub> NO <sub>2</sub>	61.04	101.2	-29	1.382	9.50	35.9	35
pentane	C <sub>5</sub> H <sub>12</sub>	72.15	36.1	-129.7	0.626	0.04	1.84	-49
Petroleum ether (ligroine)	--	--	30-60	-40	0.656	--	--	-30
1-propanol	C <sub>3</sub> H <sub>8</sub> O	88.15	97	-126	0.803	Miscible	20.1(25)	15
2-propanol	C <sub>3</sub> H <sub>8</sub> O	88.15	82.4	-88.5	0.785	Miscible	18.3(25)	12
pyridine	C <sub>5</sub> H <sub>5</sub> N	79.10	115.2	-41.6	0.982	Miscible	12.3(25)	17
tetrahydrofuran (THF)	C <sub>4</sub> H <sub>8</sub> O	72.106	65	-108.4	0.8833	30	7.52	-14
toluene	C <sub>7</sub> H <sub>8</sub>	92.14	110.6	-93	0.867	0.05	2.38(25)	4
triethyl amine	C <sub>6</sub> H <sub>15</sub> N	101.19	88.9	-114.7	0.728	0.02	2.4	-11
water	H <sub>2</sub> O	18.02	100.00	0.00	0.998	--	78.54	--
water, heavy	D <sub>2</sub> O	20.03	101.3	4	1.107	Miscible	??	--
<i>o</i> -xylene	C <sub>8</sub> H <sub>10</sub>	106.17	144	-25.2	0.897	Insoluble	2.57	32
<i>m</i> -xylene	C <sub>8</sub> H <sub>10</sub>	106.17	139.1	-47.8	0.868	Insoluble	2.37	27
<i>p</i> -xylene	C <sub>8</sub> H <sub>10</sub>	106.17	138.4	13.3	0.861	Insoluble	2.27	27

**Notes:**

1. This table was originally from: [Prof. Murov's Orgsoltab](#), which was edited and reposted by [Erowid](#)
2. You can find more detailed information (Health & Safety, Physical, Regulatory, Environmental) on various organic solvents from [NCMS](#)
3. The values in the table above were obtained from the CRC (87th edition), or *Vogel's Practical Organic Chemistry* (5th ed.).
4. T = 20 °C unless specified otherwise.

Questions or Comments? Please Contact:

[Brian J. Myers](#)

Web Master, Division of Organic Chemistry, ACS

For more information about the Division See: [www.organicdivision.org](http://www.organicdivision.org)

This Page was Updated: Monday February 22, 2016



## SANDWICH FIRE DEPARTMENT

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Sandwich, Massachusetts 02563-1340  
Tel: 508-888-0525  
Fax: 508-833-8010



William C. Carrico II, *Chief*

John J. Burke, *Deputy Fire Chief*

Date: February 16, 2016  
To: George Dunham, Town Manager  
From: William C. Carrico II, Fire Chief  
CC: Paul Spiro, Building Inspector  
RE: Cape Cod Biofuels Permit and License Requirement

Based on the discussions at the Hearing for the license for Cape Cod Biofuels last night, further explanation on the requirements for proper permits and licenses for this property is required.

On June 20, 2015, the department received an anonymous complaint regarding Mr. Davison's property located at 14 Jan Sebastian Drive. Although I believed the complaint to be unsubstantiated, I am obligated to conduct an inspection to ensure public safety. Based on the sensitivity of the relationship between the town and Mr. Davison, it is common practice in the fire service to seek the assistance of the Fire Marshal's Office when dealing with commercial property owners, especially if they have pending litigation with the municipality or are political leaders of the community. We must provide an unbiased inspection. The Fire Marshal's Office is often contacted when dealing with special processes, such as bio-fuel production. The authority to conduct this inspection of a complaint is clearly stated in MGL 148 § 4.

As the Massachusetts Department of Fire Service (DFS) Code Compliance & Enforcement Unit conducted this inspection, the process of obtaining information from the owner of Cape Cod Biofuels was delayed. This office was presented with a license application request by Mr. Davison, which was based on the inspection and quantities of materials he wanted on site. Based on the information I received, I forwarded the necessary information advising Mr. Davison of what permits and licenses were needed to meet compliance with the fire code.

Unfortunately, Mr. Davison differs on the interpretation and applicability of the fire code and Mr. Davison failed to notify this office of a Special Zoning Permit which restricted operation and would conflict with the request in the license. I would also like to clarify several sections of the code that seem

to be improperly interpreted. To ensure all parties involved are understanding the terminology and definitions used, the following is the definition used.

**Container** - (527 CMR 3.374,) a vessel, including cylinders, tanks, portable tanks, and cargo tanks, used for transporting or storing materials.

**Flashpoint** - (527 CMR 3.3.132), the minimum temperature of a liquid at sufficient vapor is given off to form an ignitable mixture.

**Class 1B Liquid** - (527 CMR 66.4.2.1 (2), any liquid that has a flashpoint below 73 degrees f and a boiling point at or below 100 degrees f.

**Class 2 Liquid** - (527 CMR 66.4.2.2 (1), any liquid that has a flashpoint above 100 degrees f and below 140 degrees f.

**Class 3B Liquid** - (527 CMR 66.4.2.2 (2)(a), any liquid that has a flashpoint above 200 degrees f.

**Biodiesel** – 4 different sources were used.

1. Per <https://en.wikipedia.org/wiki/Biodiesel>, the flash point of biodiesel (>130 °C, >266 °F) is significantly higher than that of petroleum diesel (64 °C, 147 °F) or gasoline (–45 °C, -52 °F).
2. Per <http://www.answers-to-your-biodiesel-questions.com/biodiesel-flashpoint.html>, ASTM certified B100 must have a flashpoint greater than 266°F (130°C). Flashpoint will vary due to different feed stocks and other factors. Some biodiesel has had flashpoints greater than 300°F!
3. Per the MSDS documentation provided Cape Cod Biofuels flash point of 540 degrees f.
4. Per the MSDS documentation provided Cape Cod Biofuels flash point of 424.4 degrees f.

**Home Heating Fuel or Diesel Oil** - 2 different sources were used.

1. Per <http://www.epa.ohio.gov/portals/41/p2/HC2web.pdf> the flashpoint of this product is 125 degrees f.
2. Per [http://www.engineeringtoolbox.com/flash-point-fuels-d\\_937.html](http://www.engineeringtoolbox.com/flash-point-fuels-d_937.html) the flashpoint of this product can range from 126 to 204 degrees f.

**Methanol** - Per <https://en.wikipedia.org/wiki/Methanol>, the flashpoint of methanol is 52 to 54 degrees f.

I would like to clarify the authority to enforce the code, the interpretations of the code, and any appeal process. The authority of enforcing the fire code for the Town of Sandwich is established in MGL 148 § 4, and 527 CMR 1.6, and shall be the authority having jurisdiction, the Sandwich Fire Chief. 527 CMR 1.7.3.1 states that upon a written request of any interested person, the Board of Fire Prevention Regulations may render written advisory rulings and interpretations of this Code, pursuant to the provisions of M.G.L. c. 30A, § 8. Any decision made by the AHJ can be appealed in accordance with 527 CMR 1.10.1.1 which states whoever is aggrieved by any act, rule, order, directive, decision or requirement of the AHJ charged with the enforcement of the 527 CMR Code, relative to the fire protection requirements for buildings or structures, may submit an application for an appeal to the appeals

board within 45 days following the service of notice of such act, rule, order, decision, requirement or directive.

The applicability of how the fire code applies to Cape Cod Biofuels is as follows:

527 CMR 1.12.8.50.2 states, the activities and aggregate quantities listed in Table 1.12.8.50 shall be used in determining permit and/or license thresholds, and is based on the total amount of materials stored on the land and in containers on the land. 527 CMR 1.12.8.50.2.1 states that all tanks, containers, vessels and transport vehicles are to be considered full for the purpose of permitting under this Code and under M.G.L. c. 148, § 13. This is how you determine your total amount of product on the land.

1. A Class 1 flammable liquid in a tank not intended for fixed use needs a permit and a license per 527 CMR 1.00 Table 1.12.8.50, if the quantity is over 793 gallons.
2. A Class 3B liquid needs a permit and license if the quantity is over 10,000 gallons.
3. Per Table 1.12.8.50, flammable and Class 2 combustible liquids unattended within cargo tanks, portable tanks, or transfer tanks on a parcel of land needs a permit if the quantity is under 15,000 in the aggregate and license if the quantity is over 15,000 gallons in the aggregate.

If quantities of stored materials hit the threshold in gallons, per Table 1.12.8.50, the permitting requirements and licensing requirements have to be followed.

To meet compliance for permitting and licensing Cape Cod Biofuels needs the following:

Biodiesel	Class 3B	19,000 gallons	Permit & License
Glycerin	none	6,500 gallons	none
Waste Vegetable Oil	Combustible	16,000 gallons	Permit
Methanol	Class 1B	7,500 gallons	Permit
Diesel Fuel	Class 2	10,200 gallons	Permit & License

Total Flammable Liquids 7,500 gallons

Total Combustible liquids 29,200 gallons

As part of the response to the request I have included the following MGL and CMR's:

MGL 148 Section 4. The marshal, the head of the fire department, or any person to whom the marshal or the head of the fire department may delegate the authority, may, in the performance of the duties imposed by this chapter, or in furtherance of the purpose of any provision of any law, ordinance or by-law relating to the subject matter of this chapter, or of any rule or regulation of the board of fire prevention regulations, established under section four of chapter twenty-two D, in this chapter referred to as the board, or any order of the marshal or head of the fire department, enter at any reasonable hour any building or other premises, or any ship or vessel, to make inspection or investigation, without being held or deemed to be guilty of trespass.

MGL 148 Section 5. The marshal, the head of the fire department or any person to whom the marshal or the head of the fire department may delegate his authority in writing may, and upon complaint of a person having an interest in any building or premises or property adjacent thereto, shall, at any reasonable hour, enter into buildings and upon premises, which term for the purposes of the remainder of this section shall include alleys adjacent thereto, within their jurisdiction and make an investigation as to the existence of conditions likely to cause fire.

527 CMR 1.7.6.3 The AHJ engaged in fire prevention and inspection work shall be authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections, to the full extent allowed by the provisions of M.G.L. c. 148 and this Code.

527 CMR 1.10.1.1 Authority of the Fire Prevention Regulations Appeals Board. The Fire Prevention Regulations Appeals Board is authorized to conduct appeals pursuant to the provisions of M.G.L. c. 22D, § 5. Whoever is aggrieved by any act, rule, order, directive, decision or requirement of the AHJ charged with the enforcement of this Code, relative to the fire protection requirements for buildings or structures, may submit an application for an appeal to the appeals board within 45 days following the service of notice of such act, rule, order, decision, requirement or directive.

**Guidelines for Municipal Officials on the  
Issuance and or Reconstruction of Licenses Granted under  
Massachusetts General Law, Chapter 148 § 13**

**PURPOSE**

This guidance document is to clarify the requirements and procedures for the issuance of Licenses for the storage of flammables, combustibles and explosives. As you know, Massachusetts General Law Chapter 148, Section 13 requires land on which buildings or structures (such as storage tanks) that contain certain quantities of these products be licensed. This license is granted by local licensing authorities.

527 CMR 1.00 Table 1.12.8.50 specifies the quantities of each material which require a license.

A license is granted by a local licensing authority and then is recorded in the office of the city or town clerk. From the time of its granting by the licensing authority, a license is deemed a grant attached to the land. A license is not a personal privilege. A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license.

Massachusetts General Law Chapter 148, Section 13 establishes the procedure under which local licensing authorities may grant licenses for the storage of flammable combustibles and explosives on the land. City and town clerks are required to maintain records of licenses that have been granted. Licenses must provide particulars on the license in such detail that the quantity of material, any restrictions imposed on storage, and the location of the licensed land will always be a matter of public record. Chapter 148 establishes no set format for a license to store flammable, combustible and explosives granted in accordance with Massachusetts General Law, Chapter 148, Section 13. It is prudent that all licenses in whatever format contain as a minimum the following information:

- The date the license was issued;
- The location of the land (Street, Number, Assessors Map and Parcel ID);
- Owner of the land
- Address of the owner of the land
- Maximum quantity of storage containers (all containers are considered full for the purpose of licensing and permitting).
- Type material to be stored (flammables, combustibles, fireworks, LP-gas, explosives) and the maximum quantity of each class of material;
- Restrictions, if any;
- The signature of the licensing authority;
- A statement that the license must be posted on the licensed land.

A license upon being granted must be filed with the office of the city or town clerk within the jurisdiction of the granting authority and shall become a record available to the public.

**If Original License Cannot Be Found**

There are occasions when licenses granted and records of licenses granted in the past may not be currently available. There are also instances where the original local license granting authority may also not be the same or currently available.

In these instances, if the city or town having jurisdiction recognizes the validity of such license. The following procedure may be used as the next best available evidence of the existence of a previously granted license.

This evidence may consist of a reconstruction of a license from available information or records on file with the office of the city or town clerk by the clerk, or the office of the local licensing authority by the

local licensing authority, that tend to compel a prudent person to believe that a license has been granted in the past encompassing the stated terms of the license.

This reconstructed information should contain that information previously detailed in this policy.

Upon license reconstruction, this information shall become the license and shall be recorded as a license in the records of the city or town clerk which shall then become a matter of public record. This recording will serve as the license required by Massachusetts General Law, Chapter 148, Section 13, for the storage of flammables, combustibles and explosives on the land.

Land may only have one license for the storage of flammables and combustibles and explosives. Adding additional quantities of materials or changing the category of material is accomplished by amending the existing license. When a license is reconstructed, the date of the reconstructed license then become the license date. The current license shall contain the total aggregate capacity for which the land has been licensed.

A GUIDE FOR MUNICIPAL OFFICIALS ON LICENSING THE  
STORAGE OF FLAMMABLES, COMBUSTIBLE and EXPLOSIVES

Licenses, Registrations and Permits

The purpose of this document is to provide guidance to fire departments, local licensing authorities, and municipal clerks on licenses, registrations and permits for the storage of flammable, combustible, or explosive materials in accordance with Massachusetts General Law (MGL) Chapter 148 and the Board of Fire Prevention Regulations, Code of Massachusetts Regulation (CMR), 527 CMR 1.00 Table 1.12.8.50.

A *license* is the permission by competent authority to do an act which, without such permission, would be unlawful, a trespass, or a tort. A storage license is applied for and granted by the local licensing authority. The license is granted to the land and not to an individual. Only one license may be issued to a parcel of land. This license may be amended to reflect changes in quantity, conditions or restrictions. The license may be revoked or suspended for cause by the issuing authority. Information pertaining to the license and the license shall be maintained by the city or town clerk.

A *registration* is the acknowledgement by competent authority of the act of recording a formal or official record. A storage registration is filed annually with the local city or town clerk. The registration serves solely to notify the community of the present license holders name and address. Only one registration may be granted for each license. Records of registration shall be maintained by the city or town clerk.

A *permit* is a written authority or warrant, issued by a person in authority, empowering a person to do some act not forbidden by law but not allowable without such grant of authority. The law allows certain small quantities of flammable and combustibles to be kept or stored on the land without a license, but with a permit granted by the head of the fire department. 527 CMR 1.00 Table 1.12.8.50 requires a permit in addition to the license.

The following are definitions related to the terms “flammable or combustible”.<sup>1</sup>

*Combustible liquid:* Any liquid having a flash point at or above 100°F shall be known as a Class II or Class III Liquid. Combustible liquids shall be divided into the following classifications:

Class II: Liquids having flash points at or above 100° and below 140°F.

Class IIIA: Liquids having a flash point at or above 140°F and below 200°F.

Class IIIB: Liquids having a flash point at or above 200°F.

*Flammable Liquids:* Any liquid having a flash point below 100° F and having a vapor pressure not exceeding 40 psia at 100°F. Flammable liquids shall be known as Class I liquids and shall be divided into the following classifications.

Class IA: Liquids having flash points below 73°F and having a boiling point below 100°F.

Class IB: Liquids having flash points below 73°F and having a boiling point at or above 100°F.

Class IC: Liquids having flash points at or above 73°F and below 100°F.

The authority for the keeping and storage of flammables, combustibles, and explosives, is section 13, of Chapter 148, M.G.L. This General Law is rather lengthy; this document references only the relevant sections. In order to apply for a new license or to change the conditions or restrictions of an existing license, the applicant must apply for approval or disapproval from the head of the local fire department. Whether the local fire official approves or disapproves the application, the next step is a public hearing on the application. Not less than seven days prior to a public hearing it must be advertised in a newspaper published in the English language. At the applicants expense, all abutters and owners of real estate must be notified by registered mail not less than seven days prior to the hearing at which the licensing authority acts on the license application.

A licensing authority may prescribe conditions or restrictions to a license.

Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.<sup>2</sup>

A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license. This informs the licensing authority that the license is still being exercised, and the name of the person or entity exercising the license.

The Board of Fire Prevention Regulations has been granted the authority to exempt certain quantities of the articles (flammables, combustibles, and explosives), articulated in section 9 of Chapter 148, from licensing, and registration.<sup>3</sup> These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Every license granted, and every certificate of registration filed under Section 13, is deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to cessation.<sup>4</sup>

Abandoned, as used here, means any tank and piping without use, either filling or draw off for a continuous period:

- (1) Any tank <10,000 gallons for a continuous period in excess of 12 months.
- (2) Any above ground storage tank > 10,000 gallons for a continuous period in excess of 60 months and in compliance with 502 CMR 5: Permit Requirements and Annual Inspection of Above Ground Storage Tanks or Containers of More than Ten Thousand Gallons' Capacity.

If it is determined that a fire or explosion hazard exists or is likely to exist as the result of the continued exercise of a license, the local fire chief may issue a cease and desist order.

The fire chief shall order reasonable measures to protect the safety of the public from the hazards of a fire or explosion. Any measures so ordered are at the expense of the license holder.

“When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license. “<sup>5</sup>

The first paragraph of section 13, Chapter 148, speaks of certain articles named in section 9 of Chapter 148, that are subject to regulation. Section 9, names the articles subject to regulation by license or permit.

“The board shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, fireworks, firecrackers, or any substance having such properties that it may spontaneously, or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite, or inflame or generate inflammable or explosive vapors or gases to a dangerous extent, and may prescribe the location, materials and construction of buildings to be used for any of the said purposes. Such rules and regulations shall require persons keeping, storing, using, selling, manufacturing, handling or transporting dynamite or other high explosives to make reports to the department in such particulars and in such detail that the quantity and location thereof will always be a matter of authentic record in the department...”<sup>6</sup>

The first paragraph of section 9 of Chapter 148, states that the Board of Fire Prevention Regulations shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of the articles name. The Board has made these Rules and Regulations with the Code of Massachusetts

Regulations 527 CMR 1.00. These regulations allow the storage of certain quantities of materials to stored without a license, but subject to permit issued by the head of the fire department.

Regulation 527 CMR 1.00 Section 1.12.8.50.1, requires a permit for the storage of any flammable fluid, solid or gas. This permit is to be obtained from the head of the fire department, as provided by M.G.L. c.148, s.10A and 23. The head of the fire department may restrict the quantities to be stored under the permit.

What this means is that a permit in addition to a license, a permit is required from the head of the fire department for the storage of flammable and combustible fluids. The head of the fire department may reduce the quantity of product allowed by permit but may not increase the quantity beyond that allowed by the regulation.

Exceptions to the permit process are granted to certain persons for the storage and use of and use of limited quantities of flammables, combustible. These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

1 527 CMR 1.00: Sections 3.3.165.1, 3.3.165.2

2 Massachusetts General Law, Chapter 148 § 13, Paragraph 3

3 Massachusetts General Law, Chapter 148 § 13, Sentence 2

4 Massachusetts General Law, Chapter 148 § 13, Paragraph 3

5 Massachusetts General Law, Chapter 148 § 13, Paragraph 6

6 Massachusetts General Law, Chapter 148 § 9

### **Important Points**

- A license for the storage of flammable or combustible fluids in quantities in excess of those allowed by regulation is granted by the local licensing authority after approval or disapproval by the head of the fire department and after a public hearing. A permit is granted by the head of the fire department.
- A license is not owned by an individual as a personal privilege. A license once exercised is a grant which runs with the land. The permanent record of a license is to be recorded and maintained by the city or town clerk.
- A permit from the head of the fire department is required in addition to a license for the storage of materials regulated under 527 CMR 1.00 Table 1.12.8.50 .
- A certificate of registration is annually filed by the holder or occupant of licensed land to inform the city or town clerk to record (register) the license as still active and being exercised.
- A city or town may develop its own form for the actual license and registration. The form of the license and registration must contain, as a minimum, that information contained in Department of Fire Services Fire Prevention Forms, FP-002, License and FP-005, Registration respectively.
- A license, when exercised, is a grant running with the land. A parcel of land may only have one license for the storage of flammable or combustible fluids.
- If the conditions, capacities or restrictions authorized by a license are changed, an amended license must be obtained. A new application must be submitted to the local licensing authority, the head of the local fire department must approve or disapprove, and a public hearing must be held. If granted, the amended license supersedes and replaces the old license, and will show the aggregate total capacities allowed under the grant. The terms and conditions of the new license now prevail. The license must be plainly posted on the premises.
- A certificate of registration is the vehicle used by the license holder or occupant of licensed land to notify the city or town town clerk annually, before April thirtieth, that a license is in use and currently being exercised. If a registration is not applied for and issued, after three weeks, it may be viewed as cessation and cause for review of the license. A registration must be plainly posted on the premises.

## Dunham, George

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**From:** Carrico, William  
**Sent:** Monday, March 14, 2016 2:38 PM  
**To:** Dunham, George  
**Cc:** Spiro, Paul; Mason, David; Burke, John  
**Subject:** License Restrictions

Bud,

As we discussed in the meeting today, my recommendation is that the Board not discuss the interpretation of the MGL and CMR's but agree to the License with the following conditions and restrictions:

Cape Cod Biofuels must meet and maintain the requirements of 780 CMR, 527 CMR, 310 CMR 22.21, and all applicable By-laws of the Town of Sandwich.

This restriction is per the requirements of 148 MGL Section 13, "Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority."

Thanks,

Fire Chief William C. Carrico II  
Sandwich Fire Department  
115 Route 6A  
Sandwich, MA 02563  
(O) 508-888-0525  
(F) 508-833-8010  
[www.sandwichfire.com](http://www.sandwichfire.com)  
@sandwichfd



**RECOMMENDED MOTION FOR BOARD OF SELECTMEN TO CONSIDER  
IF THE BOARD SUPPORTS GRANTING THE REQUESTED  
M.G.L. c.148, §13 LICENSE TO CAPE COD BIOFUELS, INC.**

Move that the Board of Selectmen grant a license under M.G.L. c.148, §13 to Cape Cod Biofuels, Inc., located at 14B Jan Sebastian Drive, with a requirement that Cape Cod Biofuels must meet and maintain the requirements of 780 CMR, 527 CMR, 310 CMR Section 22.21, and all other applicable bylaws, regulations, and permits of the Town of Sandwich as determined and enforced by the Sandwich Inspections Department, the Sandwich Health Department, and the Sandwich Fire Department.

**SANDWICH BOARD OF SELECTMEN  
PUBLIC HEARING**

In accordance with M.G.L. Ch. 138, the Sandwich Board of Selectmen will hold a public hearing on Thursday, March 10, 2016 at 7:30 p.m. in the Sandwich Town Hall, 130 Main Street, Sandwich, MA to consider the transfer of the Annual Wine and Malt Common Victualler License of CC Lopes, LLC, d/b/a Surf's Up Pizza and Seafood, Ronald Lopes, Manager to Surf's Up Pizza of Cape Cod, Inc. d/b/a Surf's Up Pizza and Seafood, Luzia Reardon, Manager, 289 Cotuit Road, Sandwich. Licensed premises: One story building, first floor to be licensed, 2 rooms, 4 entrances, 4 exits. Total Sq. ft. 4600, seating capacity 98. Outside patio to be licensed with seating capacity of 26. Anyone wishing to be heard on the subject will be afforded an opportunity at that time.

Frank Pannorfi, Chairman  
Board of Selectmen



Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street, First Floor  
Boston, MA 02114

PETITION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S),  
DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)

**107400039**

ABCC License Number

**SANDWICH**

City/Town

The licensee A. **CC LOPES LLC** and the proposed transferee B. **SURFS UP PIZZA OF** respectfully petition the Licensing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, **CAPE** Partnership, Individual, Sole Proprietor Listed in box (A.) must submit a certificate of good standing from the Massachusetts Department of Revenue (DOR). **OD, INC.**

Is the PRESENT licensee a Corporation/LLC listed in box (A.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned
<b>RONALD ALAN LOPES</b>	<b>MANAGER</b>	<b>289 COTUIT ROAD SANDWICH, MA</b>	<b>100% / 0</b>

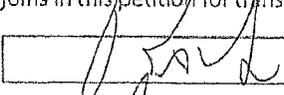
Is the PROPOSED transferee a Corporation/LLC listed in box (B.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No

TO: (Place an \* before the name of each DIRECTOR/LLC Manager.)

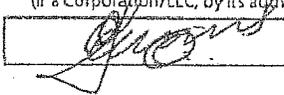
Name	Title	Address	Stock or % Owned
<b>LUZIA REARDON</b>	<b>PRESIDENT</b>	<b>289 COTUIT ROAD SANDWICH, MA 02563</b>	<b>100%</b>
<b>LUZIA REARDON</b>	<b>TREASURER</b>		<b>100%</b>
<b>LUZIA REARDON</b>	<b>SECRETARY</b>	<b>289 COTUIT ROAD SANDWICH, MA 02563</b>	<b>100%</b>
<b>K LUZIA REARDON</b>	<b>DIRECTOR</b>		<b>100%</b>

The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE: 

(If a Corporation/LLC, by its authorized representative)

Date Signed **4/30/15**

SIGNATURE OF PROPOSED TRANSFEREE: 

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Sandwich

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Surf's Up Pizza of Cape Cod Inc.

B. Business Name (if different): Surf's Up Pizza and Seafood C. Manager of Record: Luzia Reardon

D. ABCC License Number (for existing licenses only): 107400039

E. Address of Licensed Premises: 289 Cotuit Road City/Town: Sandwich State: MA Zip: 02537

F. Business Phone: (508) 888-5944 G. Cell Phone:

H. Email: I. Website: www.surfsupcapecod.com/

J. Mailing address (if different from E.): City/Town: State: Zip:

2. TRANSACTION:

- New License
- New Officer/Director
- Transfer of Stock
- Issuance of Stock
- Pledge of Stock
- Transfer of License
- New Stockholder
- Management/Operating Agreement
- Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual
- (6) Day to (7)-Day License
- Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- §12 Restaurant
- §12 Hotel
- §12 Club
- §12 Veterans Club
- §12 Continuing Care Retirement Community
- §12 General On-Premises
- §12 Tavern (No Sundays)
- §15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages
- Wines & Malt Beverages
- Wines
- Malt
- Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual
- Seasonal

CERTIFICATE OF CORPORATE VOTE  
SURF'S UP PIZZA OF CAPE COD, INC.

This is to certify that at a special meeting of the Board of Directors of SURF'S UP PIZZA OF CAPE COD, INC., held at the offices of the Corporation located at 289 Cotuit Road, Sandwich, Massachusetts, County of Barnstable on November 25, 2015, 2015, at 9:00 A.M., all the Directors being present and voting, it was unanimously

1. VOTED: To Authorize President Luzia Reardon to make application with the Town of Sandwich, Massachusetts and the State of Massachusetts for the purposes of obtaining a Liquor License for the Surf's Up Pizza of Cape Cod, and to do every other thing necessary in the procurement of said license.

A TRUE COPY

ATTEST: \_\_\_\_\_

Luzia Reardon  
Secretary

**Public Safety Planning Project  
Board of Selectmen Meeting: 3/17/2016**

- Current proposal approved by Selectmen ***reflects public input***:
  - Includes three (3) staffed Fire/EMS substations
    - Maintains current Rt. 6A headquarters
    - Adds new dormitory to staff current East Sandwich Fire/EMS substation
    - Adds new Fire/EMS substation at corner of QMR/Cotuit Rd.
      - Enables the closure of Forestdale Fire Station
    - Requires \$750,000 override to hire (8) EMS/Fire personnel
  - Includes new Police headquarters at corner of QMR/Cotuit Rd.
    - Enables the closure of current Police headquarters
  - Significantly lower cost compared to original \$30M proposal
    - Current cost estimate: \$\_\_\_\_\_ - \$\_\_\_\_\_
  - Significantly smaller footprint compared to original proposal
    - Combined 23,000 sq. ft. vs. original 71,000 sq. ft. proposal
  
- ***Construction costs are increasing*** at approximately 6% annually
  
- ***Timeline***, from the date of Town Meeting & ballot approval:
  - 10 months for architects to finalize design and construction documents, plus
  - 1½ - 2 years for bidding and construction
  - FY19 construction complete
  
- ***Info yet to come*** by end of March:
  - Much more detailed, line-by-line cost estimate prepared by independent professional cost estimator
  - Artistic rendering of exterior of buildings



EXISTING FIELD  
PARKING ENTRANCE

QUAKER MEETING HOUSE ROAD

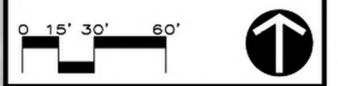
COTUIT ROAD

**POLICE STATION**

**FIRE  
SUB-STATION**

**PARKING COUNT**  
**29 VISITOR AT POLICE**  
**54 STAFF AND CRUISERS AT POLICE**  
**8 AT SUB STATION**  
**5 ADA COMPLIANT SPACES**

FOR ALL ABBREVIATIONS, SYMBOL LEGENDS,  
AND GENERAL NOTES SEE SHEET R0.01

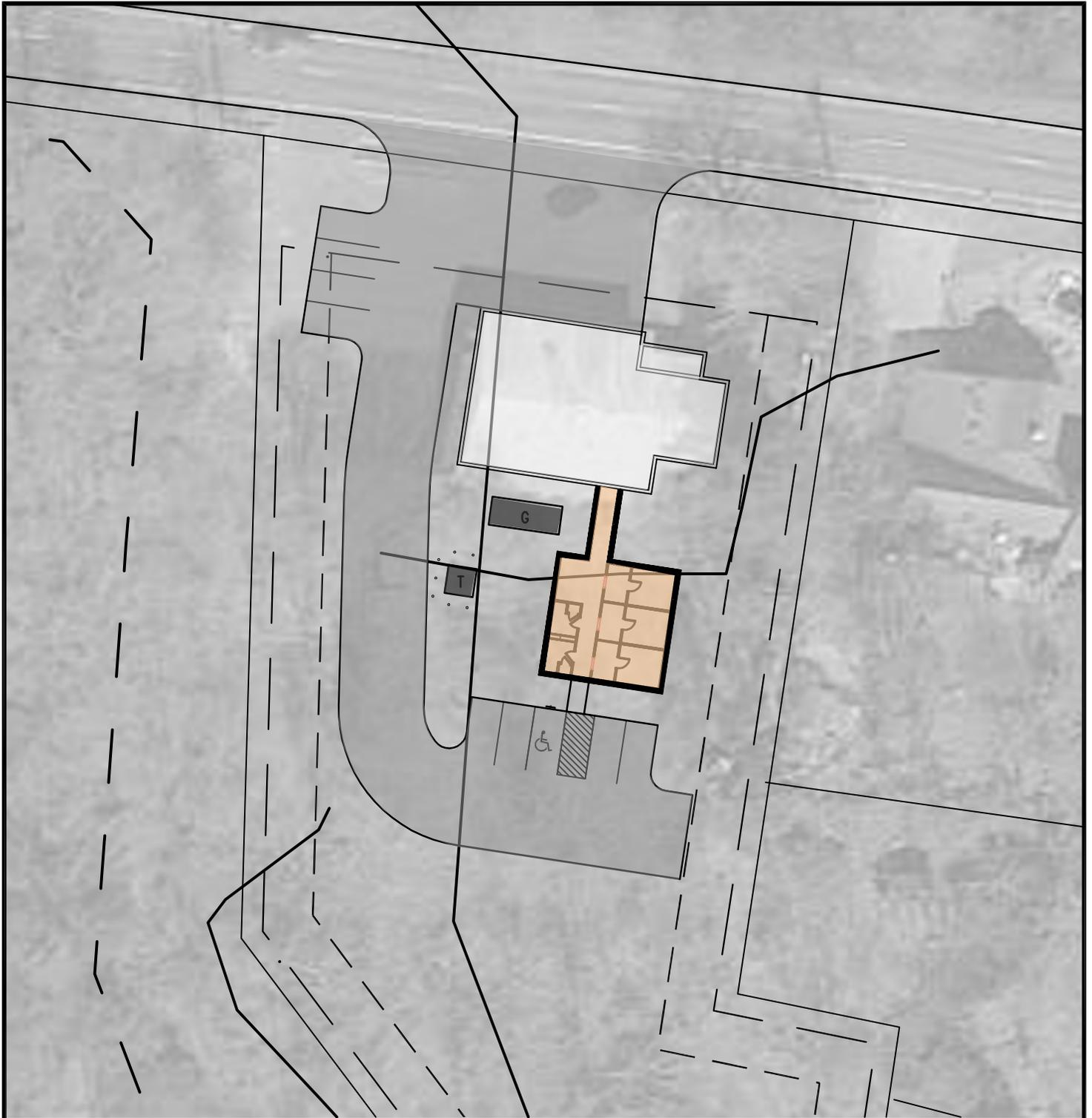


**SANDWICH  
PUBLIC SAFETY  
COMPLEX**

**QUAKER MEETING HOUSE ROAD  
SANDWICH, MA**

PROJECT NO.: 11049 DRAWN BY: DM  
**SITE PLAN**

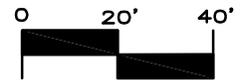
DRAWING NO.:  
**L1.00**



**STATION # 2 SITE PLAN**



**SANDWICH PUBLIC SAFETY STUDY**



**SANDWICH, MASSACHUSETTS**  
MARCH 2, 2016

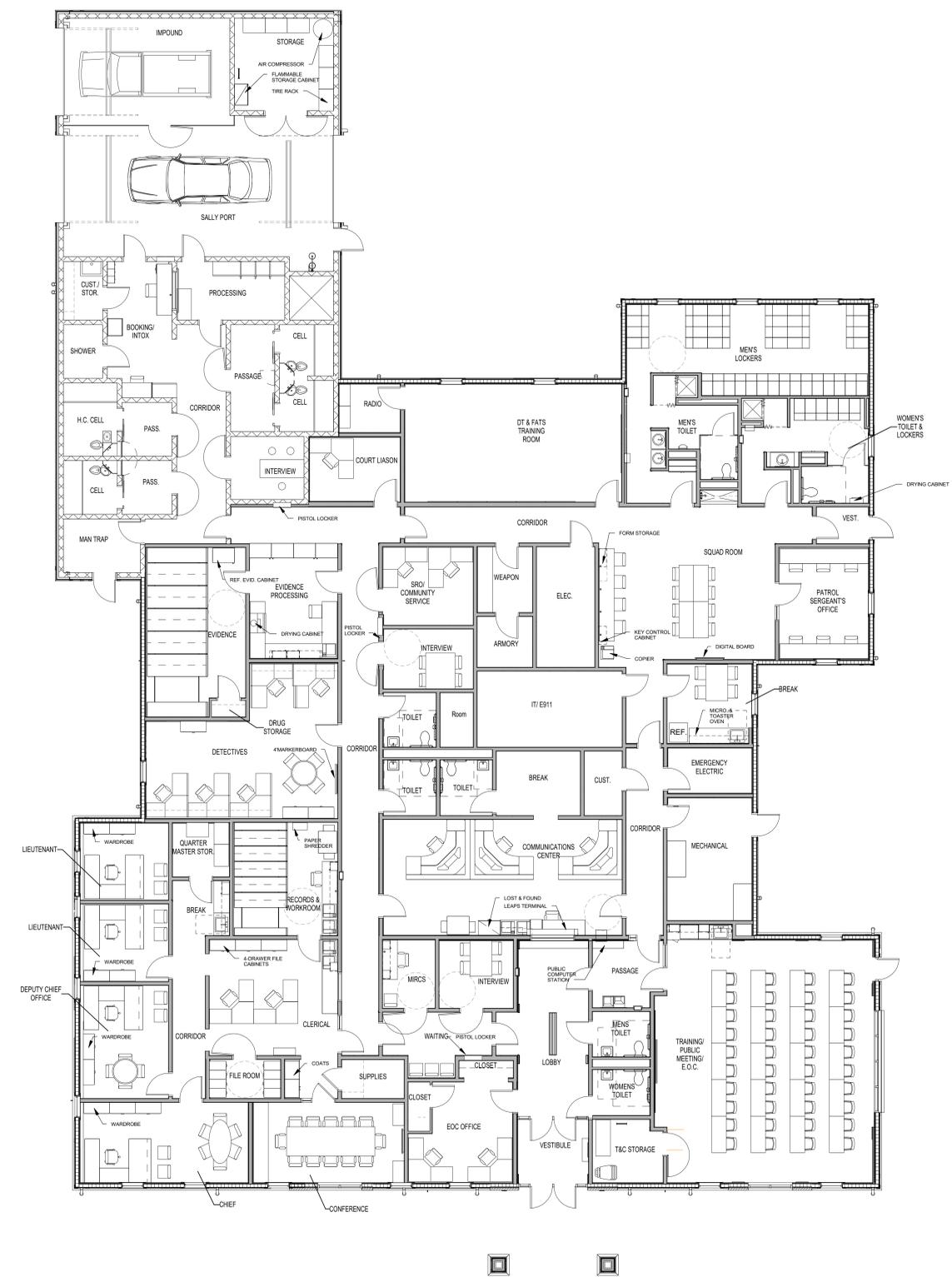
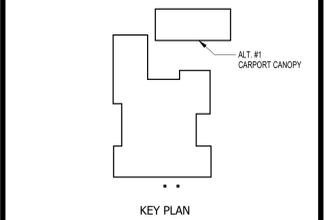
**KAESTLE BOOS**  
associates, inc

NOTE:  
THESE DOCUMENTS ARE NOT THE CONTRACT DOCUMENTS. THIS SET IS ISSUED SOLELY FOR THE CONVENIENCE OF THE CONSTRUCTION MANAGER. IT IS A COMPLETION OF THE BID DOCUMENTS AND PUBLISHED ADDENDUM. THESE DOCUMENTS DO NOT SUPERSEDE OR ALTER THE REQUIREMENTS OF THE CONTRACT DRAWINGS. THE COMPLETENESS AND/OR ACCURACY OF THE COMPLETED INFORMATION IS NOT GUARANTEED AND THE DESIGNER ACCEPTS NO ADDITIONAL LIABILITIES BASED ON THEIR USE BY THE OWNER, CONSTRUCTION MANAGER, SUBCONTRACTORS, MATERIAL SUPPLIERS, OR OTHERS.

ISSUE DATE	
DATE	DESCRIPTION
1/08/2014	ISSUED FOR BIDDING AND CONSTRUCTION

REVISIONS	
DATE	DESCRIPTION

FOR ALL ABBREVIATIONS, SYMBOL LEGENDS, AND GENERAL NOTES SEE SHEET R0.01



**1** FURNITURE PLAN  
1/8" = 1'-0"

**SANDWICH POLICE STATION**

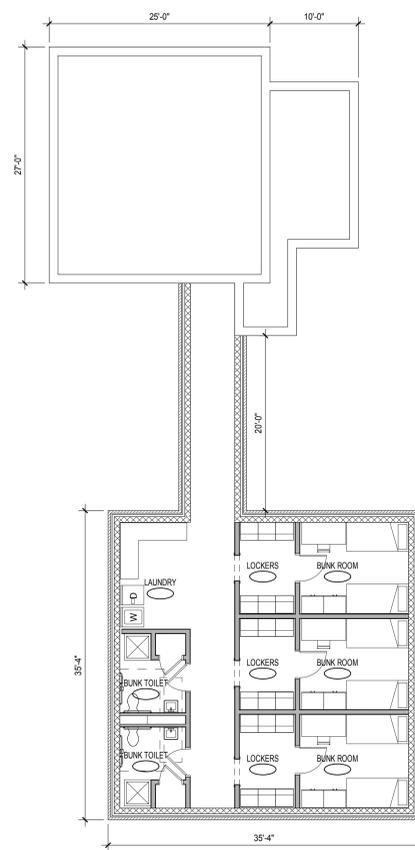
SANDWICH, MA

PROJECT NO.: 12019.00 DRAWN BY: YM

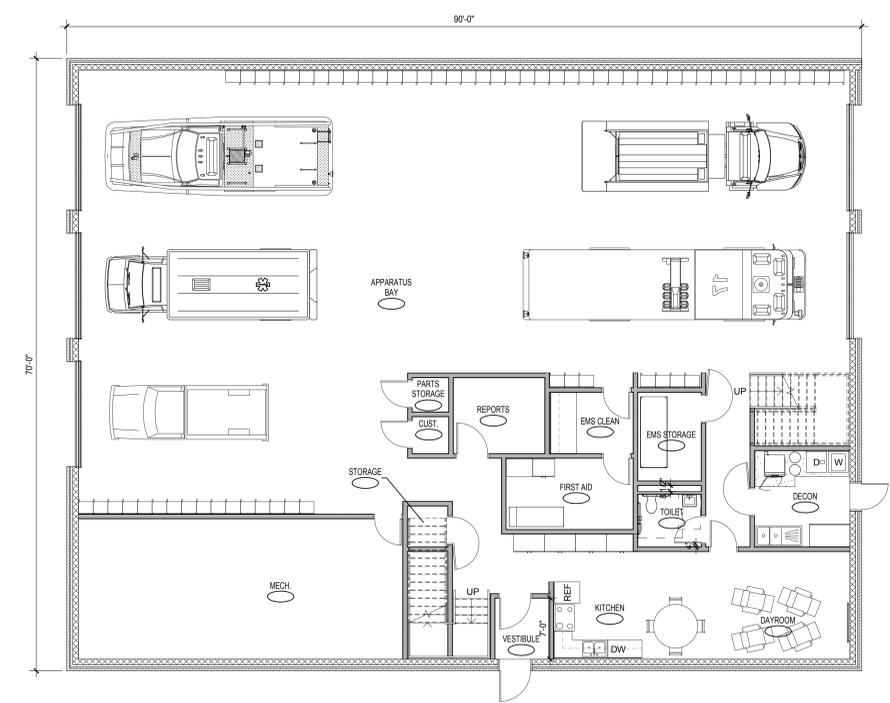
**FURNITURE FLOOR PLAN**

DRAWING NO.:  
**A13.01**

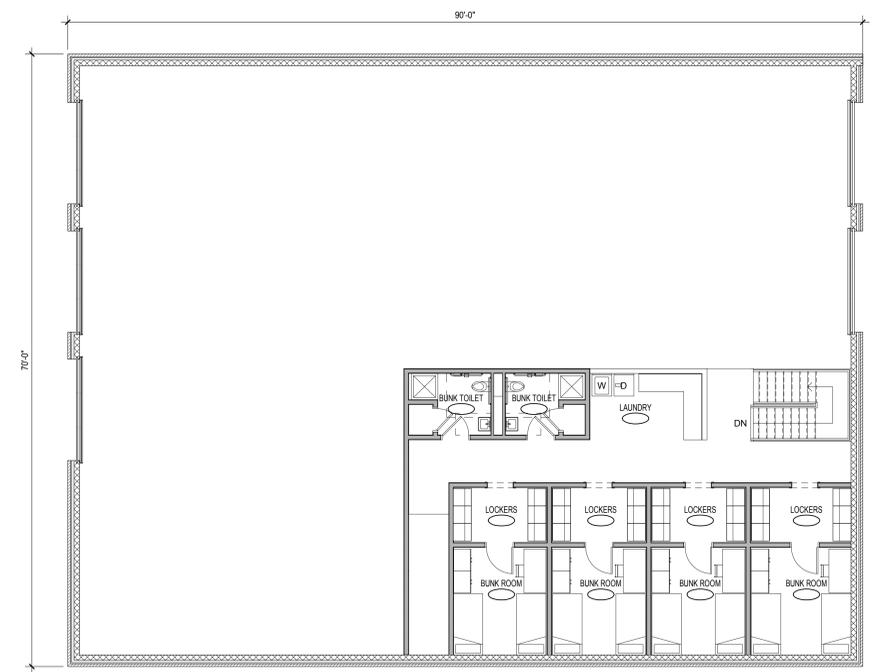
**PROGRESS PRINT**  
DATE: 2/22/2016 4:10:53 PM  
NOT FOR CONSTRUCTION



**SUB STATION 2 ADDITION**  
(Addition 1439.78 SF)

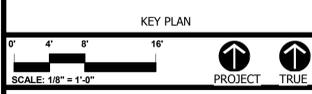


**NEW SUB STATION 3**  
(8069.58 SF)



ISSUE DATE	
DATE	DESCRIPTION
07/13/10	
REVISIONS	
DATE	REVISIONS DESCRIPTION

FOR ALL ABBREVIATIONS, SYMBOL LEGENDS, AND GENERAL NOTES SEE SHEET R0.01



**SANDWICH SUB STATION**

PROJECT ADDRESS

PROJECT NO.: ##### DRAWN BY: YM

**FLOOR PLANS**

DRAWING NO.:  
**A1.01**

**PROJECTED REVENUES AND EXPENSES - FY'17**

**REVENUES**

<u>FY'17 Tax Levy:</u>		
FY'16 Levy Limit	54,242,318	
2.5% Increase	1,356,058	
Est. New Growth	550,000	
Excess Levy Reserve Est.	0	
Overrides / Exclusions	0	
County Assess. Outside 2.5: CCC	166,918	
Debt Outside 2.5 (- Non-Levy & SBA)	918,091	57,233,385
 <u>Other Revenue:</u>		
Land Bank / CPA Debt	1,326,638	
Marina Debt	200,000	
Mass. School Building Authority Funds	1,279,534	
State Aid: Discretionary (-5.00%)	1,902,081	
State Ch. 70 Aid: School (0.00%)	6,740,018	
Est. Local Receipts	4,650,000	
Surplus Revenue / Free Cash	1,763,451	
Overlay Release	100,000	
Transfer from Stabilization Fund	0	<u>17,961,722</u>
<b>Total Estimated Revenues</b>		<b>75,195,107</b>

**EXPENSES**

<u>ReCap Sheet Items:</u>		
State Assess: Tuition Assess (10.00%)	3,592,317	
State Assess: All Other (3.00%+CCRTA)	587,985	
Abatements / Overlay	400,000	
FY'16 Snow & Ice Deficit	0	4,580,302
 <u>Town Meeting Items:</u>		
Group Health Insur.+ Mitig. Plan (5.66%)	9,800,000	
County Retirement Assess. (6.60%)	3,355,082	
Property & Liability Insurance (2.50%)	861,000	
Medicare (6.00%)	636,000	
Unemployment Account	100,000	
OPEB Trust Fund	100,000	
Debt: Long Term	4,170,074	
Debt: Short Term	50,000	
Reserve Fund	500,000	
Capital Budget - Net	686,403	
Transfer to Stabilization Fund	100,000	20,358,559
 <u>Operating Budgets:</u>		
School Budget: Local (3.00%)	24,977,500	
Ch. 70 (0.00%)	6,740,018	31,717,518
UCCRVTS Budget (6.62%)		2,184,779
General Gov't. Budget (6.05%)		<u>16,274,032</u>
<b>Total Estimated Expenses</b>		<b>75,115,190</b>

<b><u>Stabilization Fund Balance:</u></b>	
Actual Balance on 11/30/15:	1,226,393
Proposed Transfer From/To Stabilization Fund:	100,000
Projected Post ATM Balance:	1,326,393

**ESTIMATED FY'17 BUDGET BALANCE** **79,917**

## FY'17 BUDGET TOTALS

NO.	DEPARTMENT	FY16 APPROP	FY17 SALARY	FY17 OPER	FY17 TOTAL	% CHANGE
114	Moderator	450	450	0	450	0.00%
123	Select./Manager	467,269	418,282	61,350	479,632	2.65%
	Personnel Expen.	244,875	425,000	0	425,000	73.56%
131	Finance Comm.	3,400	2,000	1,400	3,400	0.00%
135	Accounting	226,810	192,088	22,250	214,338	-5.50%
141	Assessing	384,818	362,201	24,925	387,126	0.60%
145	Treasurer	205,882	218,759	-7,950	210,809	2.39%
146	Tax Collector	201,800	140,701	56,900	197,601	-2.08%
147	Tax Title	35,000	0	35,000	35,000	0.00%
151	Legal	300,000	0	300,000	300,000	0.00%
152	Human Resour.	170,163	168,338	8,000	176,338	3.63%
161	Town Clerk	165,677	166,501	5,500	172,001	3.82%
162	Elect. & Regist.	60,750	10,500	59,750	70,250	15.64%
171	Natural Resour.	270,676	247,714	27,100	274,814	1.53%
175	Plan. & Devel.	222,299	196,921	21,125	218,046	-1.91%
190	Facilities Mgmt.	522,455	207,850	322,500	530,350	1.51%
195	Town Reports	11,000	0	11,000	11,000	0.00%
196	Bind Records	6,000	0	6,000	6,000	0.00%
197	Info. Technology	529,329	199,512	337,500	537,012	1.45%
	<b>Total 100s</b>	<b>4,028,653</b>	<b>2,956,817</b>	<b>1,292,350</b>	<b>4,249,167</b>	<b>5.47%</b>
210	Police Dept.	4,098,264	4,014,677	318,835	4,333,512	5.74%
220	Fire Dept.	3,211,210	3,784,322	-511,200	3,273,122	1.93%
241	Inspections	265,317	257,163	16,105	273,268	3.00%
244	Sealer of W & M	200	0	200	200	0.00%
291	Emerg. Mgmt.	11,500	3,000	8,500	11,500	0.00%
294	Forest Warden	1,500	0	1,500	1,500	0.00%
297	Bourne Shellfish	4,000	0	4,000	4,000	0.00%
299	Greenhead Fly	2,000	0	2,000	2,000	0.00%
	<b>Total 200s</b>	<b>7,593,991</b>	<b>8,059,162</b>	<b>-160,060</b>	<b>7,899,102</b>	<b>4.02%</b>
300	School Dept.	30,915,593	31,715,518	0	31,715,518	2.59%
313	UCCRVTs	2,049,172	2,184,779	0	2,184,779	6.62%
	<b>Total 300s</b>	<b>32,964,765</b>	<b>33,900,297</b>	<b>0</b>	<b>33,900,297</b>	<b>2.84%</b>

(Note: School Dep't. amount includes Ch. 70 aid.)

NO.	DEPARTMENT	FY16 APPROP	FY17 SALARY	FY17 OPER	FY17 TOTAL	% CHANGE
410	DPW - Engineer.	188,745	184,567	9,800	194,367	2.98%
420	DPW	1,467,558	970,673	708,025	1,678,698	14.39%
421	Snow & Ice	250,014	100,000	300,000	400,000	59.99%
424	Streetlights	30,000	0	30,000	30,000	0.00%
435	DPW - Sanitation	0	420,417	-420,417	0	#DIV/0!
<b>Total 400s</b>		1,936,317	1,675,657	627,408	2,303,065	18.94%
510	Health Dept.	187,330	181,646	10,125	191,771	2.37%
522	Nursing Dept.	145,742	117,712	29,700	147,412	1.15%
540	Social Services	35,000	0	35,000	35,000	0.00%
541	COA	217,769	219,548	10,500	230,048	5.64%
543	Veterans	45,500	0	50,000	50,000	9.89%
<b>Total 500s</b>		631,341	518,906	135,325	654,231	3.63%
610	Library	944,017	766,196	183,637	949,833	0.62%
630	Recreation	155,787	135,459	26,375	161,834	3.88%
650	DPW - Parks	20,850	0	20,850	20,850	0.00%
671	Hoxie / Grist Mill	20,000	20,000	0	20,000	0.00%
693	Memorial Day	1,200	0	1,200	1,200	0.00%
694	Historic District	13,000	2,000	12,750	14,750	13.46%
<b>Total 600s</b>		1,154,854	923,655	244,812	1,168,467	1.18%
<b>GEN. GOVT. TOTAL</b> (no School)		15,345,156	14,134,197	2,139,835	16,274,032	6.05%
<b>GRAND TOTAL</b> (incl. School)		48,309,921	48,034,494	2,139,835	50,174,329	3.86%

**FY'17 CAPITAL BUDGET SUMMARY**

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>COST</u>
<b>PROJECTS &gt;\$10,000</b>		
171 NATURAL RESOURCES	Peter's Pond Security Cameras	\$11,600
190 FACILITIES DEPT.	Repairs to Town Buildings	\$125,000
190 FACILITIES DEPT.	Replace '06 Pickup with Plow	\$28,000
210 POLICE DEPARTMENT	Mobile Radios for Marked & Unmarked Vehicles	\$21,634
220 FIRE DEPARTMENT *	Build Brush Breaker on Donated '90 Chassis	\$150,000
220 FIRE DEPARTMENT	Fire/EMS HazMat & Site Data Software	\$15,000
220 FIRE DEPARTMENT	Upgrade Existing UHF Radio System	\$32,000
220 FIRE DEPARTMENT	Purchase (5) Thermal Imaging Cameras	\$30,950
300 SCHOOL DEPARTMENT	Forestdale School Treatment Facility Upgrade	\$200,000
420 DPW - HIGHWAY *	Replace Dump Truck with Plow	\$160,000
541 COUNCIL ON AGING	HSB Security Cameras	\$12,730
<b>TOTAL &gt; \$10,000 CAPITAL EXPENSES</b>		<b>\$786,914</b>
<b>PROJECTS &lt;\$10,000</b>		
171 NATURAL RESOURCES	Ryder Conservation Security Cameras	\$8,600
171 NATURAL RESOURCES	Regulatory Buoy Replacements	\$4,000
171 NATURAL RESOURCES	(3) AEDs for DNR Vehicles	\$6,000
210 POLICE DEPARTMENT	Patrol Cruiser Rifles & Shotguns	\$8,382
220 FIRE DEPARTMENT	(2) Electric Positive Pressure Ventilation Fans	\$4,310
522 PUBLIC HEALTH NURSE	Vaccine Freezer	\$1,550
522 PUBLIC HEALTH NURSE	Vaccine Refrigerator	\$5,680
<b>TOTAL &lt; \$10,000 CAPITAL EXPENSES</b>		<b>\$38,522</b>
<b>TOTAL FY'17 CAPITAL BUDGET</b>		<b>\$825,436</b>
		* Ambulance Fund Transfer = (\$150,000)
		* DPW Operating Budget Lease/Purchase Account = (\$160,000)
<b>TOTAL OTHER FUNDING SOURCES =</b>		<b>(\$310,000)</b>
<b>NET FY'17 CAPITAL BUDGET</b>		<b>\$515,436</b>

**ADDITIONAL FY'17 CAPITAL BUDGET IF FUNDING ALLOWS**

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>COST</u>
<b>PROJECTS &gt;\$10,000</b>		
171 NATURAL RESOURCES	Replace Kubota RTV 900 Less Trade-In	\$20,600
190 FACILITIES DEPARTMENT	Library Repairs (ADA Ramp, Doors & Ent., Flat Roof)	\$50,000
190 FACILITIES DEPARTMENT	Towable Debris/Leaf Blower	\$11,600
420 DPW - HIGHWAY	New Stump Grinder	\$35,506
630 RECREATION	Utility Vehicle for Oak Crest Cove	\$13,000
630 RECREATION	Skate Park Repairs & Improvements	\$20,000
<b>TOTAL &gt; \$10,000 CAPITAL EXPENSES</b>		<b>\$150,706</b>
<b>PROJECTS &lt;\$10,000</b>		
190 FACILITIES DEPARTMENT	Gravelly Brushcutter Attachment	\$1,852
190 FACILITIES DEPARTMENT	Gravelly Mower	\$3,051
220 FIRE DEPARTMENT	Rescue Air Cushion to Lift 10 Tons	\$5,858
630 RECREATION	Oak Crest Cove Cabin Equipment	\$9,500
<b>TOTAL &lt; \$10,000 CAPITAL EXPENSES</b>		<b>\$20,261</b>
<b>TOTAL ADDITIONAL FY'17 CAPITAL BUDGET IF FUNDING ALLOWS</b>		<b>\$170,967</b>

**GRAND NET TOTAL      \$686,403**

**INDEX OF WARRANT ARTICLES**

**May 2, 2016 Annual Town Meeting**

1. Report of Town Officials & Long Range Plan Overview (p. \_\_\_\_)
2. FY'17 Budget (p. \_\_\_\_)
3. FY'17 DPW – Sanitation Division Operating Budget (p. \_\_\_\_)
4. FY'17 Golf Department Operating Budget (p. \_\_\_\_)
5. FY'17 Revolving Fund Appropriation Limits ( p. \_\_\_\_)
6. FY'17 Capital Budget (p. \_\_\_\_)
7. Debt Exclusion: Public Safety Buildings (p. \_\_\_\_)
8. Override: (8) EMS/Firefighters (p. \_\_\_\_)
9. Capital Outlay Expenditure Exclusion: Public Roads & Infrastructure (p. \_\_\_\_)
10. School Department Cell Tower Lease Transfer and Appropriation of Funds (p. \_\_\_\_)
11. Transfer to Stabilization Fund (p. \_\_\_\_)
12. Sandwich Promotions Fund Appropriation (p.\_\_\_\_)
13. Ch. 90 State Aid to Highways Program (p. \_\_\_\_)
14. Beach Renourishment Account Appropriation (p. \_\_\_\_)
15. CPA Fund Expenditure – Administrative Costs & 10% Allocations (p. \_\_\_\_)
16. CPA Project: Lower Shawme Pond Dam, Grist Mill, & Related Work (p. \_\_\_\_)
17. CPA Project: Clark-Haddad Building Restoration (p. \_\_\_\_)
18. CPA Project: Thornton Burgess Society Jam Kitchen Restoration (p. \_\_\_\_)
19. CPA Project: Cedarville Cemetery Improvements (p. \_\_\_\_)
20. Public Road Taking: Aviator's Lane
21. Authorize Selectmen to Grant Easement: Baksis Road to NRG Canal (p. \_\_\_\_)
22. Transfer Care Custody & Control of Henry T. Wing School to Board of Selectmen (p. \_\_\_\_)
23. Town Bylaws: Section \_\_\_\_\_ – Dune Protection Bylaw (p. \_\_\_\_)
24. Town Bylaws: Section \_\_\_\_\_ – Animal Control Bylaw (p. \_\_\_\_)
25. Town Bylaws: Section \_\_\_\_\_ – Public Consumption or Use of Marijuana (p. \_\_\_\_)
26. Elect Officers & Ballot Questions (p. \_\_\_\_)

**NOTE:** Petition articles have been printed as submitted and may contain typographic and other errors.

# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD

OFFICE OF THE BOARD OF ASSESSORS  
ASSESSING DEPARTMENT



16 Jan Sebastian Drive  
Sandwich, MA 02563-2319  
TEL: 508-888-0157  
FAX: 508-833-8098  
E-mail: [assessing@townofsandwich.net](mailto:assessing@townofsandwich.net)

March 14, 2016

To: Douglas Lapp, Assistant Town Manager  
From: Ed Childs, Director of Assessing

**Re: Background for Motion for designation of George E. Sansoucy (Outside Expert Appraiser) as Special Municipal Employee**

The language for this motion was suggested by Brian W. Riley Esq. from Kopelman and Paige.

Attorney Riley reviewed materials that were sent to my office by Mr. Sansoucy, which provided background for this request to designate. These materials were 1) Disclosure of Appearance of Conflict of Interest Form and 2) Letter from George E. Sansoucy to Ed Childs regarding request to be designated as Special Municipal Employee, both sent as attachment with this summary.

Attorney Riley commented:

“In my opinion, Mr. Sansoucy’s disclosure form is in proper form and I agree with the Ethics Commission’s opinion that his position should be designated as a “special municipal employee” to avoid any problems under Chapter 268A. The issue is with §17(a), which prohibits a municipal employee (which Mr. Sansoucy is in his capacity as Outside Expert Appraiser) from being compensated by anyone other than the Town in relation to a particular matter in which the Town is a party or has a direct and substantial interest. As noted, the Ethics Commission has determined that Sandwich has such an interest in the work that Mr. Sansoucy does for the Commonwealth. Section 17 also provides, however, that a special municipal employee is only subject to this prohibition for matters that he has participated in for the Town, is under his official responsibility or is pending in the agency in which he serves (the Assessing Department). It appears that none of those situations apply, so as long as Mr. Sansoucy’s position is designated as a special employee and he files the disclosure form, he will have no violations.”

The Board of Selectmen is the only body that can approve the special municipal employee designation. Please note that it is the position or office, rather than the individual currently holding that position, to which the designation applies. This is a discretionary decision for the Board. Assuming the Board is willing to approve this request, I recommend that the motion be substantially as follows:

***“Move that the Board of Selectmen vote to designate the position of Outside Expert Appraiser for the Assessing Department as a special municipal employee pursuant to General Laws Chapter 268A, §1(n).”***



George E. Sansoucy, PE, LLC  
Engineers & Appraisers

February 17, 2016

Mr. Edward L. Childs  
Director of Assessing  
Town of Sandwich  
Office of the Board of Assessors  
Sandwich, MA 02563-2299

RE: Special Municipal Employee

Dear Ed:

As you know, I currently provide expert appraisal services for the Town of Sandwich. The purpose of this correspondence is to request that you ask the Sandwich Board of Selectmen to designate the position that I hold with the Town – outside expert appraiser – as a “special municipal employee” position. The background concerning this request is as follows.

In addition to providing expert appraisal services for the Town, I provide expert appraisal services for the Commonwealth’s Department of Revenue (“DOR”). As part of my work for the DOR, I make recommended valuations for telecommunication property that is subject to the provisions of the “central valuation statute” set forth at G.L. c. 59, § 39.<sup>1</sup> Municipalities are required to use the DOR’s central valuation for local taxation purposes. Therefore, the Town of Sandwich has an interest in the work that I perform for the DOR. Attached for your records, please find a formal disclosure of my work for the DOR (of which, I believe, you have been aware).

I have requested an opinion from the State Ethics Commission as to whether I may perform central valuation work for the DOR and also continue to provide expert appraisal services for Sandwich. In response, the State Ethics Commission advised that I may continue to do so, provided that the position I hold for the Town of Sandwich – outside expert appraiser – is designated by the Board of Selectmen as a “special municipal employee” position. To qualify as a “special municipal employee,” I must be permitted by the Town to be engaged in private employment during normal working hours, and I must not be paid by the Town for more than 800 working hours during the preceding 365 days. I am confident that I meet the requirements to

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<sup>1</sup> Please note that the valuation work I perform for the DOR concerns property that is different than the property I value for the Town of Sandwich. George E. Sansoucy, PE, LLC

Mr. Edward L. Childs  
February 17, 2016  
Page 2

be designated a "special municipal employee." Please note that the DOR already has designated me as a "special state employee," which has similar requirements.

Based on the foregoing, I request that the position I hold for the Town of Sandwich be designated as a special municipal employee. Thank you very much for your consideration of the foregoing, and please do not hesitate to contact me with any questions or concerns.

Very truly yours,

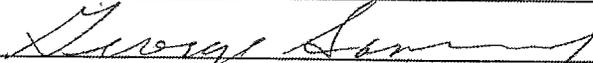
GEORGE E. SANSOUCY, P.E., LLC

  
George E. Sansoucy, P.E.

Enclosure

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

<b>PUBLIC EMPLOYEE INFORMATION</b>	
Name of public employee:	George E, Sansoucy
Title or Position:	Outside Expert Appraiser
Agency/Department:	Town of Sandwich, MA
Agency address:	Director of Assessing Town of Sandwich 130 Main Street Sandwich, MA 02563
Office Phone:	1-603-788-4000
Office E-mail:	gsansoucy@sansoucy.com
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>	
Describe the issue that is coming before you for action or decision.	<p>I work as an outside expert assessor for the Town of Sandwich. In that capacity I make recommendations for the valuation of certain property. I additionally provide expert witness services on behalf of the Town of Sandwich concerning my recommended valuations.</p> <p>I additionally work as an outside expert assessor for the Department of Revenue for the Commonwealth of Massachusetts ("DOR"). In that capacity, I make recommendations for the valuation of telecommunication property that is subject to the provisions of the "central valuation statute" set forth at G.L. c. 59, § 39. I additionally provide expert witness services on behalf of the DOR concerning my recommended valuations.</p> <p>Pursuant to G.L. c. 59, § 39, municipalities, including the Town of Sandwich, are required to use the DOR's central valuation of telecommunication property for local taxation purposes. Accordingly, the Town of Sandwich has interest in the outcome of my work for the DOR.</p>
What responsibility do you have for taking action or making a decision?	With respect to my work for the DOR, I am responsible for making the recommended valuations, but those valuations must be reviewed and adopted by the DOR. I also am responsible for the substance of any expert work I perform on behalf of the DOR
Explain your relationship or affiliation to the person or organization.	I act as an outside expert assessor for the DOR.

How do your official actions or decision matter to the person or organization?	<p>With respect to my work for the DOR, I make recommendations for the valuation of telecommunication property that is subject to the provisions of the "central valuation statute" set forth at G.L. c. 59, § 39. Those valuations are reviewed by the DOR, and often are adopted. I additionally provide expert witness services on behalf of the DOR concerning my recommended valuations.</p> <p>Pursuant to G.L. c. 59, § 39, municipalities, including the Town of Sandwich, are required to use the DOR's valuation of the centrally valued property for local taxation purposes. Accordingly, the Town of Sandwich has an interest in the outcome of my work for the DOR</p>
<b>Optional:</b> Additional facts -- e.g., why there is a low risk of undue favoritism or improper influence.	<p>The valuation work I perform for the DOR concerns property that is different than the property I value for the Town of Sandwich.</p> <p>The valuations that I develop for the DOR are driven by formulas, and I do not increase or decrease any valuation based on whether or not I perform work for the municipality in which the centrally valued property is located.</p>
If you cannot confirm this statement, you should recuse yourself.	<p><b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b></p> <p><input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
Employee signature:	
Date:	<p>2-18-16 </p>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.