



BOARD OF APPEALS

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Minutes
May 25, 2010

7:02 P.M.

Present: Robert Jensen; James Killion; Frederick Watt; Christopher Neeven, Vice Chair

Absent: Erik VanBuskirk, Chair, Joe Cavaco

7:03pm

Approval of Minutes

Mr. Jensen moved the Board approve the minutes of May 11, 2010 as written. Mr. Killion seconded. The vote was unanimous.

7:03pm

Public Hearing

Special Permit #10-03

4 Victory Drive

Ellsworth Realty Trust

Mr. Neeven read the Public Hearing Notice into the record. Mr. Neeven read the following letters into the record:

Engineering Department, Asst. Town Engineer Sam Jensen dated May 18, 2010
Conservation Commission, Natural Resources Officer Dave DeConto dated May 16, 2010
Sandwich Fire Department, Fire Prevention Officer J. J. Burke dated April 16, 2010

Atty. Jonathan Fitch, representing Mr. Kevin O'Neil, business owner, and Gary Labrie, site plan surveyor, were present. Mr. Fitch presented a revised site plan dated May 25, 2010 to the Board. Four lots have been merged for this project for a total of 3.7 acres. Mr. O'Neil owns Kabo Electric which does specialized electrical work for primarily NStar, National Grid, the FAA, and airports. He assured the Board that there will be no maintenance of equipment on the property since the company uses specialty equipment that requires certified maintenance. He does not believe that his company will impact traffic as he will have three full time employees in the office. The remainder of his employees goes to job sites off Cape from their homes. He would like to have two curb cuts for his driveway to make it easier for large equipment and delivery trucks to enter and exit the property. Mr. O'Neil told the Board that he will most probably install automatic gates to discourage traffic from turning around using the driveways. Mr. Jensen raised concerns about the impact increased traffic will have. Rather than have a trip generation calculation done, the owner requested that the Board accept his

testimony as enough evidence that the impact will be minimal. The Board agreed with Mr. O'Neil that there was no need for the trip generator calculation to be done.

For the most part, the equipment will be stored inside; any vehicles stored outside parked on the gravel. As part of the public comment abutter Nancy Colgan, 51 Windsor Road, expressed her concern about the noise generated by large pieces of equipment idling during the early morning hours. Mr. O'Neil assured her that early morning loading and idling of equipment would be at a minimum. He wants his company to be a good neighbor and told Ms. Colgan to come to him directly if there were any problems. Hers was the only public comment.

Mr. Sam Jensen had several questions regarding drainage and asked to see further drainage calculations. He wants to insure that the depression on the property is identified as part of the Industrial Park drainage plan for Jan Sebastian Drive. Mr. Fitch requested that the Public Hearing be continued until June 8, 2010 so that the drainage calculations may be submitted.

Mr. Killion motioned that the Public Hearing for Special Permit #10-03, 4 Victory Drive be continued to June 8, 2010 at 7:05pm. Mr. Jensen seconded. The vote was unanimous.

7:55pm

Public Hearing

Special Permit #10-04

68 Roos Road

Karl and Walter

Mr. Neeven read the Public Hearing Notice into the record. He also read letters of comment from the following boards and departments:

Town of Sandwich Planning Board, Dan Marsters Chair, dated May 19, 2010

Sandwich Fire Department, J.J. Burke, Fire Prevention Officer, dated April 20, 2010

Attorney Kevin Kirrane, representing the property owners, requested a continuation until June 8, 2010 at 7:15pm because only four members of the Board were present.

Mr. Killion motioned that the Public Hearing for Special Permit #10-04 be continued until June 8, 2010 at 7:15pm. Mr. Jensen seconded. The vote was unanimous.

8:03pm

Public Hearing

Special Permit #10-05

79 Dillingham Avenue

Edward and Nancy Winkler

Mr. Neeven read the Public Hearing Notice into the record. He also read letters of comment from the following departments:

Engineering, Asst. Town Engineer, Sam Jensen dated May 19, 2010

Sandwich Water District, Asst. Superintendent Jeff Rose dated May 10, 2010

Sandwich Fire Department, Fire Prevention Officer J.J. Burke dated May 6, 2010

Atty Benjamin Losordo and Mr. Roger Michniewicz, Engineer were present. Mr. Losordo introduced the project by showing pictures of the house and the property which is located on a

corner lot. The raze and replace will basically follow the same footprint as the current house built in 1959 on the 7600 sq. ft. lot. Mr. Michniewicz told the Board that the new house is being held to the existing non-conformities. He also told the Board that a new septic system was being installed on the property. There was discussion about relocating a shed to a different part of the property.

There was no public comment.

Mr. Watt motioned for the Board to close the Public Hearing for Special Permit #10-05. Mr. Jensen seconded the motion. The vote was unanimous.

8:14pm

Determination

Amerinda Hess Corporation

273 Cotuit Road

Atty. Kevin Kirrane, Andrew Lautenbacher of the Hess Corporation, and Al Trakimas, site technician were present. Mr. Kirrane reviewed the history of the property on Cotuit Road. A Special Permit was granted by the Board for additional pumps and then a modification request was granted for a Dunkin' Donuts drive-through window. The purpose for being before the Board was for the Board to determine if a request for a free standing freezer for Dunkin' Donuts to be placed outside of the building constitutes a minor modification or a major modification for which a Public Hearing would need to be held.

A concrete barrier will be in place to prevent anyone from hitting the freezer. Mr. Lautenbacher assured the Board that the unit would be enclosed so that the operation would be quiet.

Mr. Killion motioned that the installation of a freezer at 273 Cotuit Road is not a deviation from the Special Permit and does not require a modification. Mr. Neeven seconded. The vote was unanimous.

8:22pm

New Candidate

Mr. Lasher, who had expressed an interest in serving on the Board of Appeals, is unavailable on Tuesday nights.

Mr. Jensen motioned to adjourn. Mr. Watt seconded. The vote was unanimous.

The meeting adjourned at 8:23pm.

Respectfully submitted,
Marilyn K. Bassett

