



Minutes
June 22, 2010

7:00 P.M.

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

7:02pm

Approval of Minutes

Mr. Watt moved the Board approve the minutes of June 8, 2010 as written. Mr. Neeven seconded. Mr. Watt, Mr. Neeven, Mr. VanBuskirk, and Mr. Killion voted in the affirmative. Mr. Jensen abstained from voting because he was not present at the meeting.

7:05pm

Public Hearing Continued

Special Permit #10-06

14B Jan Sebastian Drive

Simi II LLC

Mr. Neeven recused himself from the hearing. Mr. VanBuskirk read the following memorandum into the record:

Board of Health, David Mason, RS, CHO, dated June 2, 2010

Owner Andrew Davison and John Sigfried, were present to answer questions. Mr. Jensen confirmed that the purpose of the special permit request for the continued operation of a biofuel processing business. There followed a discussion on the background of this business and that the Town of Sandwich feels that there is a need for a special permit. Mr. Davison explained that his business falls into a gray area since Town regulations refer to "fuel" and his product is biodiesel made from cooking oil. Mr. Watt asked Mr. Davison to describe his business to the Board. Mr. Davison explained the process by which his company collects used cooking oil from several area businesses and converts it into biodiesel which is used in home heating oil as mandated by the State of Massachusetts. All by-products are sold to other companies for various uses.

The Board requested that Mr. Davison provide literature stating that biofuel is not a fuel in the typical sense. The Board also directed Mr. Smith to speak with the Board of Health relative to the definition of biofuel as well.

There was no public comment.

Mr. Watt motioned that the Public Hearing for Special Permit #10-06, 14B Jan Sebastian Drive be continued to July 13, 2010 at 7:05pm. Mr. Jensen seconded the motion. The vote was unanimous.

7:31pm

Public Hearing Continued

Special Permit #10-04

68 Roos Road

Karl and Walter

Attorney Kevin Kirrane, Engineer Roger Michniewicz, Architect Anne Michniewicz, and Environmental Consultant Robert Gray, were present with the property owners. Atty. Kirrane stated that the Special Permit before the Board was for the purpose of placing fill on a lot to accommodate construction of a barn/garage. The fill is necessary to bring the floor height of the structure in compliance with flood plain requirements. This permit request was triggered by a permit currently before the Board of Health. After a discussion of the plans for the barn/garage, Mr. VanBuskirk directed the Board back to the very narrow scope of SP #10-04.

Mr. VanBuskirk opened the meeting for public comment. Atty. Michael Ford, representing the Wamesters and the Hollands who abut the 68 Roos Road property, addressed the Board. He presented the Board with an environmental study from Hamlyn Consulting detailing conservation concerns. Mr. David Wamester, 80 Roos Road and Mr. Paul O'Leary, 119 Salt Marsh Road both stated concerns with run-off and flooding issues. Mr. Kirrane stated that most of the concerns raised were conservation issues, not Board of Appeals. Mr. Gray will be preparing a study that rebuts the Hamlyn report.

Mr. Kirrane reviewed the information presented before the Board. The owners asked the Board to continue the Public Hearing t July 13, 2010 so that the Board could address the Hamlyn and Gray reports as they relate to the Special Permit application.

Mr. Killion motioned that that the Public Hearing for Special Permit #10-04 be continued to July 13, 2010 at 7:15pm. Mr. Neeven seconded. The vote was unanimous.

8:29pm

Board Reorganization

Mr. Jensen nominated Christopher Neeven as chairperson and Mr. Killion as Vice chairperson. Mr. Watt seconded the nominations. The vote was unanimous.

8:31pm

Deliberation

Special Permit # 10-03

4 Victory Drive

Ellsworth Realty Trust

The Board reviewed and discussed 4 Victory Drive, Special Permit #10-03. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Board of Appeals public records at the Planning and Development office at 16 Jan Sebastian Drive.

Mr. Watt motioned to adjourn. Mr. Jensen seconded. The vote was unanimous. The meeting adjourned at 8:50pm.

Respectfully submitted,
Marilyn K. Bassett

