

## PLANNING BOARD MEETING OF February 16, 2010

Place: Town Hall Banquet Room

### I. ADMINISTRATIVE BUSINESS

Chairman Hayward – Opened the meeting at 6:30 PM

Chairman Hayward – Read a resignation letter from Mr. James Pelland, Board recording secretary for the last 8 years. He praised him for his many years of hard work with the Board and that he would be missed.

The Board was unanimous about what an excellent job he had done, and that he would be missed.

#### A. Quorum/Attendance

Members Present: Chairman Hayward, Raymond Fleurent, Albert Borges, Albert Silva, Joseph Morra, Gary Staffon, Timothy Cox

Members Not Present – Marinus Vander Pol

Planning Director William Roth was also in attendance.

#### B. Acceptance of Minutes –

Timothy Cox motioned to accept the minutes for the January 26, 2010 meeting. Albert Borges seconded. The vote was unanimous. The motion passed.

#### C. Planning Board Bills

1. Southcoast Media Group – Newspaper Ad - Sylvia & Bylaw Amend- Fence - \$205.80

Timothy Cox motioned to pay this bill. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

### II. CURRENT PLANNING

#### A.. Receipt of Plans:

- 1) Special Permit – John Medeiros -129 Alden Road - Integrated Machine Co.

Timothy Cox motioned to set the public hearing for April 7, 2010. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

- 2) Special Permit – Tom Guard - 110 Alden Road – Guard Oil Phase II

Timothy Cox motioned to set the public hearing for April 7, 2010. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

- 3) Street Discontinuance – Sherwood St. - Map 26

Timothy Cox motioned to set the public hearing for April 7, 2010. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

#### B. Approval of Plans -

1.) Form A – Doris Howard – 265 & 267 Alden Road

Timothy Cox motioned to approve the Form A. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

### III. LONG RANGE PLANNING –

1. Wind Energy Facilities – Potential amendment regarding Municipal Facilities.

William Roth – Town Council has been requested by the Board of Selectmen to review the Wind Energy Facilities bylaw with regards to Municipal Facilities. It appears that there is some confusing language and this would be to clarify it. Once I get a draft I will share it with the Board.

### IV. PUBLIC HEARING –

1) Special Permit – Robert Sylvia – 105 Sconticut Neck Road – continued from 1/26/10.

Chairman Hayward – Opened up the continued hearing. He introduced the Board members. He indicated that additional information had been received, 1986 ZBA Decision and a packet of information from Ms. Lisa Moniz, and added it to the record.

Jay Peabody (attorney for the applicant) – Requested that the application be withdrawn without prejudice.

Chairman Hayward – Reviewed the Board's authority about granting a withdrawal after a hearing had been advertized and opened. He questioned how the request would affect the Trial Court's Stipulation of Dismissal between the Town and property owner. He felt that before the Board acted on the request Town Council should be consulted. He also outlined that the Board could close the hearing, get legal advice and at the next meeting withdraw or take a vote on the application.

Jay Peabody (attorney for the applicant) – I would recommend that the Board continue the hearing and not close it because that would allow me to consult with your Town Council before the next meeting.

Raymond Fleurent – We could end this right now and vote to withdraw the application.

Chairman Hayward - I disagree and feel that there may be legal consequences to allowing a withdrawal.

Timothy Cox motioned to continue the Special Permit at the applicant's request to the March 9, 2010 meeting. Gary Staffon seconded. The vote was six in favor and Mr. Fleurent opposed. The motion passed.

2) Rezone – 364 and 366 Huttleston Avenue

Chairman Fleurent – Opened the Hearing.

William Roth – Read the public notice.

William Roth – Indicated that Ms. Park, a property owner, had just received her notice on Saturday and due to the Monday Holiday was not able to get her attorney to review the proposal or attend the hearing. She does not speak English very well and wanted more time to review the request. I recommend that the Board grant additional time and continue the hearing to March 9, 2010.

Timothy Cox motioned to continue the Rezone Hearing to the March 9, 2010 meeting. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

**V. OTHER BUSINESS –**

1) 2009 Town Meeting Report –

William Roth – I included the report in your packet for one last review before it is finalized for the Town Report. Are there any corrections or typos with the report?

The Board had no corrections

2) Open Space & Recreation Plan – 2 year extension

William Roth – The State sent me a letter indicating that the Town could apply for a two year extension to make the plan valid for 7 years. The Town would have to review the Goals Section and add any appropriate goals to account for the additional time frame of the plan. I reviewed the Goals section and added several goals to each section based on my conversations with the State.

Timothy Cox – Spoke about the new goal to “Expand and Improve Public Access to the water”. He mentioned that the Boat Ramp/Open Space Committee was looking into adding a fishing Pier somewhere in Town and that would fit well with the new goal.

More general discussion on the plan ensued. The Board liked the changes and felt that getting the two extra years was worthwhile.

3) Veterans Center – Open House Invite

William Roth – This was a notice sent to the office for the Board. The Veterans Center has moved from New Bedford over to 73 Huttleston Avenue and is having an open house on February 25<sup>th</sup> from noon until 2 PM.

Albert Silva motioned to adjourn. Joseph Morra seconded. The vote was unanimous in favor. The motion passed. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

William D. Roth, Jr.  
Planning Director