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DARTMOUTH TOWN CLERK

ADMINISTRATIVE MINUTES

DATE OF HEARING: February 25, 2014

APPROVED

PRESENT: The Board, Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Members David Dore, Kevin Melo, and Principal Clerk Assistant, Tina Cabral

6:05 P.M. *Chairman Figueiredo opened the meeting*

ADMINISTRATIVE

- Chairman Figueiredo announced that the vacancy on the Board has been filled by Attorney Michael Medeiros and he will begin serving on the Board as an Associate Member as soon as he is sworn in by the Town Clerk's office.

The Board unanimously voted and approved the following:

- Administrative Minutes of January 28, 2014
- Minutes for Variance Case 2014-5, January 28, 2014
- Minutes for Special Permit Case 2013-3, January 28, 2014
- Minutes and Decision for Administrative Appeal Case 2014-2, January 7, 2014 (*Chairman Figueiredo explained that since this was a complex case, and it involved Town Counsel, she decided to have the Board vote on the acceptance of the Draft Decision.*)

DISCUSSION: The Board reviewed further revisions to the Rules and Regulations of the Board of Appeals and made the following changes:

- Section 2-Public Meetings: An asterisk is to be placed at the end of the first three bullets and at the beginning of the last sentence. Second bullet should read: "However, should the Board determine that the changes are substantial, then a unanimous vote is needed. Following such determination, a public hearing is required to amend the previously approved decision's site and/or architectural plans."
- Section 1-Article III-Application Requirements: add the word "forms" after the word application. Remove last paragraph and replace with: "All applications should include the following:"
- Section 1.1-Signatures: Strike "Each application shall be signed by;". 1st bullet add "/applicant" after petitioner; 2nd bullet add "Owner" at beginning of sentence and add "/applicant" at end of sentence.
- Section 1.2-Plans: Delete first sentence; label Site Plans "A" and replace the work "or" with the word "and" in 6th bullet. Add an extra bullet at end "Projects in the Aquifer Protection District and in Environmentally Sensitive Areas are subject to additional requirements/conditions", Label Landscape Plans "B" and bullet each sentence. Add "plantings" at end of 1st bullet. 2nd bullet should read: "parking lot screening, detailed by

species and type". 3rd bullet to read: "existing vegetation and any intermittent or year-round streams, ponds or other wetlands."; Label next section "C. Preliminary Architectural/Scaled Drawings", and strike the words, "Preliminary architectural, scaled drawings to show"; Label Lighting Plan "D"; strike the word "showing"; remove the words "said lighting to be" and add "which is designed....". Label Sign Plan "E" and remove "including, but not limited to" and the word sign in the 1st bullet; Label Soil Erosion Plan "F" remove words "showing all".

- Section 2-Filing add "an Application": 2.1 should read: "The Petitioner/applicant shall submit the application with supportive documents and applicable fee payments to the Board's Principal Clerk."; 2.2 should read: "The Board's Principal Clerk shall determine that the application is complete, process the filing fees, and file the application with the Town Clerk, where it is time-stamped to signify the official date of filing with the Zoning Board of Appeals."

The Board unanimously voted to continue the discussion and review of the Rules and Regulations Governing the Procedures of the Board of Appeals to March 4, 2014 at 6:00 p.m. Discussion will begin with "Section 3-Types of Applications and Time Requirements"

6:30 P.M. Adjournment

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals
Date of Approval: 3/4/14



TOWN OF DARTMOUTH
Office of the Zoning Board **RECEIVED**
400 Slocum Road, Dartmouth, MA 02747
(508) 919-1868
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MINUTES DARTMOUTH TOWN CLERK

DATE OF HEARING: February 25, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-3
Representative: Daniel C. Perry, Esq. for Petitioner/Applicant: David Bradford
Representative: Peter Bullard, Esq. for Petitioner/Applicant: Nicholas & Majorie Greville
Property Owners: David Bradford, 10 Mattarest Lane, Map: 95 Lots: 17, 18
Property Owners: Nicholas & Marjorie Greville, 10A Mattarest Lane, Map: 95 Lot: 15
Subject Property: 10 Mattarest Lane and 10A Mattarest Lane
District: Single Residence B District
MAP: 95 LOT: 15 **BOOK: 4811 PAGE: 49**
MAP: 95 LOTS: 17, 18 **BOOK: 6905 PAGE: 61**

APPROVED

PRESENT: Chairman Jacqueline Figueiredo, Halim Choubah, Robert Gardner, Associate Members, Kevin Melo, David Dore and Principal Clerk Assistant Tina Cabral

ALSO PRESENT: Marc Deshaies, Esq. and Peter C. Bullard, Esq.

6:30 P.M. *Chairman Figueiredo opened the hearing*

Chairman Figueiredo read into the record a letter from Daniel C. Perry, Esq. requesting that the case be continued to April 8, 2014 as well as a letter from Peter C. Bullard, Esq. also requesting that the case be continued to April 8, 2014.

Chairman Figueiredo asked that Attorney Deshaies and Attorney Bullard sign an Agreement to Extend Statutory Deadlines Under M.G.L. Chapter 40A. They agreed and agreement was signed.

Halim Choubah motioned to continue the hearing to April 8, 2014 at 6:30 p.m. which motion was seconded by Robert Gardner. Motion passed unanimously.

6:35 P.M. *Hearing adjourned*

Tina Cabral

For the Zoning Board of Appeals

Date of Approval: 3/4/14



TOWN OF DARTMOUTH
 Office of the Zoning Board of Appeals
 400 Slocum Road, Dartmouth, MA 02747
 (508) 910-1868

MINUTES

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 DARTMOUTH TOWN CLERK

APPROVED

DATE OF HEARING: FEBRUARY 25, 2014
 CASE: VARIANCE
 CASE NO: 2014-4
 Petitioner/Applicant: Kristal Reis
 Property Owner(s): Victor & Natalie Reis
 Representative: Peter C. Bullard, Esq.
 Subject Property: Hixville Road, Dartmouth, MA 02747, MAP: 62, LOT: 34-3
 District: Limited Industrial District BOOK: 3398 PAGE: 348

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Board Members, Kevin Melo, David Dore and Principal Clerk Assistant, Tina Cabral
ALSO PRESENT: Peter C. Bullard, Esq. & Other Interested Parties

6:45 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on **Tuesday, February 25, 2014 at 6:45 P.M.** in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Kristal Reis, who is seeking a **VARIANCE** to create a proposed private family burial site on the property located on Hixville Road and identified on Assessor's Map 62 as Lot 34-3 in the Limited Industrial District. The property owners are Victor Reis and Natalie Reis. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 14.100-Purpose and Section 14.200-Allowed Uses)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, February 5, 2014 and Wednesday, February 12, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

- Variance application time-stamped with the Town Clerk on 1/29/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director, Donald Perry, dated 2/14/14
- Letter from Board of Health, dated 2/14/14
- Email from Director of Parks & Recreation, Timothy J. Lancaster, dated 1/31/14
- Printout, M.G.L. Chapter 114-Home Burials from MA.gov website
- Printout, M.G. L. Chapter 114, Section 35-Lands to be used for burial from MA.gov website

- Property photo and Approval Not Required Site Plan, dated 1/24/14 by Site Design Engineering, LLC.

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 2/14/14 as well as a letter from the Board of Health, dated 2/14/14 and Comments from the Director of Parks & Recreation, Timothy J. Lancaster, dated 1/31/14.

Chairman Figueiredo invited the Petitioner or representative to present the case.

PETER C. BULLARD, ESQ.: Petitioner is proposing to create a private family burial site on land situated on Hixville Road. The proposed burial site would abut an existing Town cemetery. The land has a significant amount of wetlands and is non-buildable. Petitioner obtained approval from the Board of Health on February 12, 2014 with conditions. Petitioner requires further approval from the Board of Appeals through a Variance and Town Meeting through a warrant for this proposal. This proposal will not be a detriment to the neighborhood.

CHAIRMAN FIGUEIREDO: Commented that the deceased, Victor Reis, is currently, legitimately, and temporarily buried on the property in an above-ground tomb vault pursuant to M.G.L. Chapter 114, §1 until further approval from the Board of Appeals and Town Meeting.

Chairman Figueiredo invited any Board Members to ask questions.

No questions by Board Members.

Chairman Figueiredo invited public comments regarding this project.

ALAN SHAW: Mr. Shaw has been an abutter of the subject property 30+ years and is in favor of the project. He expressed his thoughts that it is an excellent use as the property contains a significant amount of wetlands and is not buildable.

No further public comments.

The Board made findings:

- Locus property
- Natalie Reis and the now deceased, Victor Reis, have owned the subject property since 1994.
- Subject property is presently vacant and consists of approximately 26+ acres, and there are a significant amount of wetlands on the property.
- The existing Ryder Cemetery is a closed cemetery that abuts the subject property.
- Petitioner, Kristal Reis, daughter of the owners of the property, is seeking a Variance pursuant to Section 14.200 to create a 2,320 s.f. proposed family burial site on the locus property beside the existing Ryder Cemetery.
- Cemeteries are not an allowed use in Limited Industrial Districts as land in the Limited Industrial Districts are important to be used to promote economic growth pursuant to Section 14.100. (Limited Industrial District purpose)
- Mass. General Laws Chapter 114 specifies areas of compliance that are required by private cemetery corporations.
- Pursuant to M.G.L. Chapter 114, no land may be used for the burial of a human body in the ground unless both the Board of Health, and thereafter Town Meeting, have approved the use of the land for a cemetery.

- A notarized Memorandum of Understanding between the Town and Natalie Reis was signed to allow the issuance of a burial permit and the temporary entombment of Mr. Reis' body at the subject property. The Memorandum specifies that this temporary entombment may last no later than August 15, 2014.
- At the Board of Health's hearing on February 12, 2014, the Board approved the Reis family's proposal for a private family burial site with conditions.
- Soil tests had been conducted prior to the Petitioner appearing at the Board of Health hearing.
- According to M.G.L. Chapter 114, Section 1A, a cemetery corporation must be formed for this private cemetery
- The requested Variance does meet the statutory requirements for granting a Variance pursuant to Massachusetts General Laws Chapter 40A §10.

The Board made conditions:

- Petitioner to secure all of the necessary permits and approvals from all applicable Boards and Agencies
- Town Meeting approval is required pursuant to M.G.L. Chapter 114. Petitioner will need to sponsor a warrant article for Town Meeting for this purpose.
- To account for the maintenance of the burial grounds upon the demise of the remainder of the Reis family, the Reis family is to provide a bequest to the Town, pursuant to M.G.L. Chapter 114, Section 25.
- The temporary entombment agreement will expire on August 15, 2014. If the cemetery is not finalized by the expiration date, the remains of Mr. Reis will have to be removed from the property and re-buried in an established cemetery.
- The in-the-ground burials must be contained in a vault and above groundwater, determined to be at 60" below existing grade.
- Plan of Record will be of Site Design Engineering entitled "Approval Not Required Plan" dated January 24, 2014.

Chairman Figueiredo asked Board Members for further comments and/or questions.

No further comments or questions by Board Members.

Chairman Figueiredo invited further public comments regarding this project.

No further public comments.

Halim Choubah motioned to close the public hearing which motion was seconded by Robert Gardner. Motion passed unanimously.

Halim Choubah makes the motion to GRANT the VARIANCE based upon the findings as stated and conditions as proposed. Motion was seconded by Robert Gardner and motion passed unanimously.

7:15P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 3/4/14



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Office of the Zoning Board of Appeals
400 Slocum Road, Dartmouth, MA 02747
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MINUTES

APPROVED

DATE OF HEARING: FEBRUARY 25, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-6
Petitioner/Applicant: Dartmouth Imports, Inc., DBA Nissan World of Dartmouth
Property Owner(s): 483 State Road Realty LLC
Representative: Steven D. Gioiosa, P.E.
Subject Property: 483 State Road, Dartmouth, MA 02747, MAP: 166, LOT: 140
District: General Business BOOK: 8900 PAGE: 110

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Board Members, Kevin Melo, David Dore and Principal Clerk Assistant, Tina Cabral
ALSO PRESENT: Steven D. Gioiosa, P.E. and Other Interested Parties

7:20 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on Tuesday, February 25, 2014 at 7:00 P.M. in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of Dartmouth Imports, Inc., DBA Nissan World of Dartmouth, who is seeking a Special Permit to allow the replacement of an existing building wall signage with similar signage except with an 18% reduction in sign area. The property is located at 483 State Road in the General Business District and identified on Assessor's Map 166 as Lot 140. (Section 38-Permission of the Board of Appeals)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, February 5, 2014 and Wednesday, February 12, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

- Variance application time-stamped with the Town Clerk on 1/31/14 with Memorandum
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director, Donald Perry, dated 2/14/14
- Memorandum from SITEC to Planning Board, dated 1/2/14
- Property photos
- Building Sign Location Plan, dated 1/22/14 by SITEC
- Drawing A2.1, Alteration to Nissan World of Dartmouth, dated 1/22/14 by Henry Hengchua Architect, P.C.

- Prior Variance Decision dated 1/7/87 (Case # 1986-66) and Amendment dated 12/14/1999

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 2/14/14.

Chairman Figueiredo invited the Petitioner or Representative to present the case.

STEVEN D. GIOIOSA, P.E.: Petitioner is proposing to upgrade the property with new landscaping and a more modern building style to meet current Nissan retail standards. Included in this new building improvement project will be new signs displaying the Nissan Emblem. The subject property was leased to the Petitioner in 2007, and a Parking Plan review and approval was obtained in June of 2012. All of the site and building signage was conforming to the By-Laws at that time. The existing "Barry's" sign was replaced with temporary "Under New Ownership" and "Construction Sale" signs. All signs were removed so the building fascia could be upgraded. In 2013 the Sign By-law was revised to include a restriction in building sign area to 32 s.f. if the building is located within 100' of a street line. Since the existing building is located 66 ft from the street line of State Road, the existing building signage along Route 6 became an existing non-conforming condition. The Petitioner is seeking permission from the Board to replace the signage with similar signage except that it will be reduced from 115 s.f. to 94 s.f. The 18% reduction in signage will bring the project closer to conformance with the current By-Law. This proposal will improve the overall building aesthetics and will be no more harmful or objectionable than the original signage.

CHAIRMAN FIGUEIREDO: Questioned if this upgrade of signage is what the Nissan Corporation requires from all Nissan dealers.

STEVEN D. GIOIOSA, P.E.: Answered that yes each dealership is given a program from the corporation and the owner of the dealership must implement the proper standards/approvals with the Town or City it resides.

Chairman Figueiredo invited any Board Members to ask questions.

No further questions by Board Members.

Chairman Figueiredo invited public comments regarding this project.

ROBERT CARNEY: Expressed that he is in favor of the project, but does not like when cars are parked on the grass, and that there are too many signs and balloons on the grass areas.

No further public comments.

The Board made findings:

- Locus property
- The subject property is owned by 483 State Road Realty LLC.
- Petitioner and lessee of the subject property is Dartmouth Imports, Inc., DBA Nissan World of Dartmouth.
- Petitioner is seeking a Special Permit pursuant to Section 38 to replace the current signage of 115 s.f. with similar signage that will be reduced to 94 s.f.
- New signage will be lower in height and smaller in size.
- The 18% reduction in signage will bring the project closer to conformance with the current By-Law
- Three (3) proposed signs will replace the old signs.
- The new signs will be in harmony with the General Business District.
- The new signs will improve the overall building aesthetics.

- The Special Permit may be granted since the project will not be more detrimental to the property or neighborhood than the existing signage. The new signs will fit in with the surrounding businesses and will be less non-conforming.

The Board made conditions:

- Petitioner to secure all of the necessary permits and approvals from all applicable Boards and Agencies
- No parking of cars in landscaped beds along State and Cross Roads.
- The use of temporary signs such as flags and balloons on the premises shall be in compliance with the Zoning Enforcement Officer's guidelines and Building Department codes.
- The Petitioner and/or future owner(s) must abide by the present approved Parking Plan.
- Plans of Record are: Building Sign Location Plan, dated 1/22/14 by SITEC, and Drawing A2.1, Alteration to Nissan World of Dartmouth, dated 1/22/14 by Henry Hengchua Architect, P.C.

Chairman Figueiredo asked Board Members for further comments and/or questions.

No further comments or questions by Board Members.

Chairman Figueiredo invited further public comments regarding this project.

No further public comments.

Halim Choubah motioned to close the public hearing which motion was seconded by Robert Gardner. Motion passed unanimously.

Halim Choubah makes the motion to GRANT the SPECIAL PERMIT based upon the findings as stated and conditions as proposed. Motion was seconded by Robert Gardner and motion passed unanimously.

7:50P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk
For the Zoning Board of Appeals

Date of Approval: 3/4/14



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MINUTES

DATE OF HEARING: FEBRUARY 25, 2014
CASE: SPECIAL PERMIT
CASE NO: 2014-7
Petitioner/Applicant: Institute of Advanced Sciences, Inc.
Property Owner: 166 Chase Road Realty Trust of 2011, Leonard J. Boyce, Trustee
Representative: Daniel C. Perry, Esq.
Subject Property: 166 Chase Road, MAP: 45, LOT: 29
District: Single Residence B and Aquifer Protection District, Zone II
BOOK: 4925 **PAGE:** 98

APPROVED

PRESENT: The Board: Chairman Jacqueline Figueiredo, Clerk Halim Choubah, Robert Gardner, Associate Board Members, Kevin Melo, David Dore and Principal Clerk Assistant, Tina Cabral

ALSO PRESENT: Marc R. Deshaies, Esq., Professor Bal Ram Singh, Paul Lindo, Director of IAS, Fire Chief Richard Arruda, and Other Interested Parties

8:00 P.M. Chairman Figueiredo opened the hearing

LEGAL AD: Notice is hereby given of a public hearing to be held on Tuesday, February 25, 2014 at 8:00 P.M. in Meeting Room 304, Town Hall, 400 Slocum Road, Dartmouth, MA on the petition of the Institute of Advanced Sciences, Inc. who is seeking a SPECIAL PERMIT to conduct scientific research, including laboratory work involving plants and some small animals, at the subject property. It intends to use the entire space of the building for laboratory use. Present occupants at the premises, Chase Farm Veterinary Hospital and Chiropractor Dr. Jean Peelor, are relocating. The property is located at 166 Chase Road in the Single Residence B District and identified on Assessor's Map 45 as Lot 29. Information is on file in the office of the Board of Appeals and may be seen upon request. (Section 3B.105-Expansion or Change of Non-Conforming Uses Other Than One or Two Family Residential Uses)

ADVERTISED: The Notice for public hearing was published in The Dartmouth Chronicle on Wednesday, February 12, 2014 and Wednesday, February 19, 2014.

ABUTTER'S LIST: Robert Gardner motioned to waive the reading of the abutter's list into the record, which was seconded by Halim Choubah. Motion passed unanimously. A certified abutter's list is available for review in the office of the Zoning Board of Appeals.

DOCUMENTS ON FILE

- Special Permit application with attached brief time-stamped with the Town Clerk on 2/4/14
- Legal Ad
- Certified Abutter's List
- Vision Appraisal Card
- Letter from Planning Director, Donald Perry, dated 2/19/14
- Email comments from Director of Board of Health, Wendy Henderson, dated 2/19/14

- Email comments from District No. 3 Fire Chief, Richard K. Arruda dated 2/14/14
- Email from Attorney Deshaies dated 2/19/14 regarding possible conditions outlined by Attorney Perry
- Informational internet documents
- Prior ZBA Decisions: Case #1995-2, Case #1995-2R, Case #2011-14 (minutes for this case also)
- Signed Petitions and letters in Opposition of Proposal
- Property photos and Existing Parking Plan; Existing 1st and 2nd Floor Plans and Existing Exterior Elevations, dated 1/22/14

Chairman Figueiredo read into the record a letter from Planning Director, Donald Perry, dated 2/19/14 as well as comments from Director of Board of Health, Wendy Henderson, dated 2/19/14.

Chairman Figueiredo invited the Petitioner or representative to present the case.

MARC R. DESHAIES, ESQ.: Commented that he would like to continue the hearing to April 8, 2014 so the Petitioner may have a chance to express to Town residents what kind of proposed laboratory will be at the subject property. The Petitioner, Professor Bal Ram Singh, PhD., has flown in from India to be present at tonight's meeting and would like to speak to the concerned residents to answer any questions or concerns.

CHAIRMAN FIGUEIREDO: Commented that after receiving many letters, phone calls and signed petitions from numerous concerned Town residents who are either present at tonight's meeting or will be part of our television viewing audience, the Board would prefer to hear the Town residents' concerns and comments this evening and will take into consideration the request to continue this matter to April 8, 2014 in an effort to answer those questions and/or concerns at that time. Chairman Figueiredo asked Petitioner to come forth and present the case.

PROFESSOR BAL RAM SINGH: Stated that he has been a resident of the Town for a number of years and has been a professor at UMASS Dartmouth for 27 years. He stated that he lives a few blocks away from the subject property and noticed it was up for sale and thought that opening his Institute of Advanced Science Laboratory at the location in a former veterinary hospital would be okay to hold scientific lab activities. He has dedicated his entire life to education and has a great deal of experience in the science field. He currently has a lab in the Office Industrial District called Prime Bio and researches plant and animal disease. The research at the proposed lab will not involve production of any toxin nor any toxin disposal at the site. It will be used for herbal and other biomedical research such as cranberries and quahogs all involving non-toxic materials. Basic research will be conducted with bacteria/fungal research on cranberries, quahogs and small rodents. If there would be any toxin at the laboratory it would be in amounts less than half a milligram as allowed by law. He said it is permissible for the lab to carry on some activity with the botulinum toxin, and that it could only involve a tiny amount, that is, the same amount that a dermatologist's office can use for a Botox treatment. The lab will not be producing or growing materials. The proposed toxin intended for use can be destroyed with 10% bleach detergent. It will not leach into the ground as it's a protein and it becomes inactive if not stored in proper solutions. He was the professor of the UMASS Dartmouth Botulinum Research Center, but it was shut down last year, and all the material from that lab was moved to a FDA facility in College Park, Maryland. His research will continue as collaborator bio labs. He continued to say his long term goal is education and eventually this proposed laboratory will outgrow its needed space. The lab would also consist of an office base for the Institute of Advanced Sciences, and a way for him to advance research and education thereby putting biotechnology on the map for Dartmouth. Its operations would be equivalent to a doctor's office with only minute levels of botulinum, if any, used according to CDC protocols. He stated his commitment to Dartmouth is very strong, and that he is not an outsider coming in to take advantage of the community and that the concerns and reactions to the Town residents are understandable.

Chairman Figueiredo invited any board members to ask questions.

CHAIRMAN FIGUEIREDO: Asked who will be working at the lab and will they earn a salary.

PROFESSOR BAL RAM SINGH: Most employees will earn a salary including clerical staff. He expects to intern approximately 6 students during the summer at the lab. Most of the salary will be paid for by grants, contracts or donations. Mr. Singh says this laboratory will be nonprofit for which he has already secured a \$100,000 Homeland Security Grant and expects to garner about \$25 million in endowments over the next three years. The grants will help to support the day-to-day expenses of the lab.

KEVIN MELO: Questioned the Petitioner to describe the difference between a Level 1 Lab and a Level 2 Lab.

PAUL LINDO, Lab Manager and Director of Operations for the Institute of Advanced Sciences: Mr. Lindo has worked for Professor Singh since 1994. Explained a Level 1 Lab would be at high school student level, and a Level 2 Lab would require restrict training. He also said that the research conducted would be similar to the lab which was at UMASS Dartmouth. There will be no manufacturing done at the Chase Rd property and small quantities of animals will be used. The actual toxin to be used will be in small levels (1/2 mg) which is allowed in any district per CDC (Center of Disease Control and Prevention) regulations. Bacteria will be regulated per the CDC. The CDC regulates a mandatory inspection every three years of the laboratory. This space at the proposed building is 3,000 s.f. and is an appropriate size to conduct this activity and research. Moving a Level 1 lab to an Office Industrial District would be more costly.

No further questions by board members.

Chairman Figueiredo invited public comments regarding this project.

RICHARD ARRUDA, FIRE CHIEF: Expressed his opposition in this project as a taxpayer. As a Fire Chief he is concerned about the safety of his employees. Questioned the Petitioner the following:

- Who will manage the site at a safe level?
- How often will toxin be delivered, disposed of and in what kind of vehicle?
- Who regulates the disposal of the toxin?
- In case of fire are there emergency restrictions?

Chief Arruda also explained that Petitioner's Prime Bio lab in the Office Industrial District meets all the fire codes and regulations. The fire department would be equipped to handle a fire at this location as well as long as there are stated precautions and restrictions.

PAUL LINDO: Commented that all deliveries to and from the facility are regulated by the Department of Transportation. The CDC does not allow deliveries of more than ½ mg of toxin to the lab at one time. Shipping is done by Fed Ex in compliance for transferring per regulations, and Bio-Serve takes care of the disposal of the hazardous waste products. The frequency can be between 2-3 times per month and disposal frequency would be one box per quarter. Flammables will be disposed of in compliance with codes, and there will be no dumping of chemical waste. The level of research at this lab would be equivalent to doctor's offices and vet offices in the Town.

CONCERNS, COMMENTS & QUESTIONS FROM TOWN RESIDENTS IN OPPOSITION:

- Received over 186 signatures on submitted Petitions by Town residents opposed to this proposal
- Does this lab pose a danger or threat to our water supply?
- The subject property is located in the Aquifer Protection District.
- There is septic at property (no sewer tie-in).

- What guarantees that toxin will not leech into Town water?
- Are the toxins flammable?
- How will the residue be handled?
- Who will monitor the toxin deliveries and toxin disposals?
- Will Town residents pay extra taxes for this lab as the lab is a non-profit?
- Lab does not belong in a residential neighborhood.
- Are Town residents safe residing near this lab with babies, small children and elderly?
- How do we know this small amount of toxin won't become a larger amount?
- Who will be monitoring toxin amounts?
- There is concern over depreciation in home values around the lab.
- Homes are Town residents' retirement asset, and residents are afraid homes will not sell with a lab next door.
- Will the CDC visit the lab for monitoring purposes?
- What chemicals will be used at the lab?
- Will there be odors coming from the lab?
- The location is not fit for a botulinum research center.
- Will toxins and chemicals leech into the natural water brook which abuts the subject property?
- The land of the subject property slopes down into the natural water brook.
- Will there be any radioactivity at the lab?
- Some abutters have town wells and do not want chemicals or toxins to leech into their wells.
- Will Board of Health approve this lab and will they do annually reviews?
- Should penalties be placed if regulations are not abided by?
- How do you insure this type of center?
- Will students be at risk working at the lab?
- It is a wood constructed building, and if there is a fire will the toxins become flammable and cause a great risk to abutters?
- Who is qualified to fight this type of fire at the lab?
- Will infected animals run out of the building in case of fire or havoc and spread hazardous diseases to other animals in the surrounding area?
- Mistakes happen and what guarantee can be given to prevent any mistakes?
- Should toxins and chemicals be stored in a cement case with lock?
- How are we guaranteed that chemicals or toxins won't be stolen from lab and cause harm to the community?
- What are the security measures for this lab?
- What kind of vehicles will be delivering to the lab?
- Will deliveries be federal or in armed vehicles?
- Educational conferences were mentioned, but where will all the people park as there is only a small parking area?
- Parking cannot be on street as it is a busy street.
- Abutters do not want vehicles parked on their properties.
- Will Town be responsible for damage to abutting properties?
- Abutters expressed their uncomfortable and uneasy feelings about the lab being so close to their homes.
- How will the traffic coming in and out of this lab be controlled?
- How can it be guaranteed that no producing of materials will be held at the lab?
- Special Permit application did not mention anything about a bio hazard lab.
- Special Permit application was very vague and mentioned only a change of use.
- Employees will be at the lab long hours from 8:00 a.m. to 8:00 p.m.

No further public comments.

Chairman Figueiredo also commented that the Board of Health will be holding a hearing relative to this case on 2/26/14 at 7:20 p.m.

Chairman Figueiredo asked Attorney Marc Deshaies to sign an Agreement to Extend Statutory Deadlines Under M.G.L. Chapter 40A. Attorney Deshaies agreed and signed.

Halim Choubah motioned to continue the public hearing to April 8, 2014 at 6:30 p.m. which motion was seconded by Robert Gardner. Motion passed unanimously.

10:00 P.M. Hearing adjourned

Tina Cabral

Tina Cabral, Principal Clerk

For the Zoning Board of Appeals

Date of Approval: 3/4/14