

MINUTES OF REGULAR PLANNING BOARD MEETING OF NOVEMBER 2, 2009
Held at 7:00 p.m., Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

Mr. John V. Sousa, Chairman
Mr. Joseph E. Toomey, Jr., Vice-Chairman
Mr. John P. Haran, Clerk
Mrs. Lorri-Ann Miller
Mr. Arthur C. Larrivee

Planning Staff

Mr. Donald A. Perry, Planning Director
Mrs. Joyce J. Couture, Planning Aide

The Chairman called the meeting to order at 7:00 p.m. with four Planning Board members and Planning staff present. Mr. Toomey arrived shortly after at 7:04 p.m.

Administrative Items

(1) Approval of Minutes

Public Hearing of Oct. 5, 2009 “Amendment to Pelegs Island Farm”

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (4-0), to approve the minutes of the public hearing of October 5, 2009 “Amendment to Pelegs Island Farm” as written.

Public Hearing of Oct 5, 2009 “Zoning amendments to Flood Plain District”

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (4-0), to approve the minutes of the public hearing of October 5, 2009 “Zoning amendments to Flood Plain District” as written.

Regular Meeting of Oct. 19, 2009

A motion was made by Mrs. Miller, seconded by Mr. Larrivee for discussion, and unanimously voted (4-0), to approve the minutes of the regular Planning Board meeting of October 19, 2009 as written.

Executive Session October 19, 2009

The Planning Board postponed action on approval of the above minutes until the end of the meeting.

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Public Hearing of Oct. 19, 2009 “OSRD for Ronald Bogusky & Barbara Purdy”

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (4-0), to approve the minutes of the public hearing of October 5, 2009 “OSRD for Ronald Bogusky and Barbara Purdy” as written.

(2) Correspondence

Legal Notices from City of Fall River
Legal Notices from Town of Westport

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (4-0), to acknowledge and file the above referenced correspondence.

Mr. Toomey arrived at this time being 7:04 p.m.

(3) Time Extension request on the Special Permit for the Definitive OSRD Subdivision Plan entitled “The Enclave at the Reservoir”

present: Lee Castignetti, Jr., representing Long Built Homes

The Planning Director stated the applicant of “The Enclave” subdivision plan is requesting a time extension on the Planning Board’s Special Permit deadline. Mr. Perry explained the plan has not been endorsed yet because the applicant is still working on completing requirements of the Conservation Restriction with the State.

Board members were agreeable to this request.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0) to grant a time extension until November 18, 2010 for the applicant to comply with conditions of approval outlined in the Planning Board’s Certificate of Action dated November 18, 2008 for an OSRD Special Permit for “The Enclave at the Reservoir”.

(5) Initial review of Definitive OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy

present Richard Rheume, Prime Engineering, Inc.

The Planning Director noted that Richard Rheume, representing the applicants, has submitted a written request to re-advertise the public hearing on the above-mentioned proposal and send out notices to all the abutters because there was a concern that some abutters did not receive proper notice of the initial public hearing.

Board members expressed concern on how this could have happened. However, it was determined that the Planning Board would re-advertise the public hearing at the

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Town's expense and so notify all the parties in interest.

The Planning Board and Mr. Rheaume also agreed that all the deadlines for action on this definitive subdivision plan should be extended for a month.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to grant the request to extend the Planning Board's deadline for action on the Special Permit and the Definitive Subdivision Plan for Ronald T. Bogusky and Barbara Purdy from December 20, 2009 to January 20, 2010.

At the request of a Board member, this subject matter would be further discussed under New Business.

(4) Initial review of Off-Street Parking Plan entitled "Proposed addition to Minuteman Harley Davidson"

present John Keegan, representing SITEC, Inc.
Alex Stylos, Sherwood Building Co., Inc.

The Planning Director gave an overview of a proposed addition at the rear of the Harley Davidson dealership on State Road (at the Ledges). He noted the addition does not make any major changes to the parking facility since the addition is in a loading area at the back of the building. However, Mr. Perry pointed out that when the property changed from auto sales to motorcycle sales, the vehicle display area at the front of the building was changed (without Planning Board approval) to customer parking. This newly submitted plan intends to define how the front of the facility is used.

Mrs. Miller noted for the record that she has done work with Mr. Stylos in the past but there is no conflict of interest.

Lengthy discussion ensued between the Planning Board, Mr. Keegan, Mr. Stylos, and the Planning Director on design layout, providing proper discharge of runoff from the roof drains since the property is located in the Aquifer Protection Zone, parking lot safety, paving, and landscaping.

The Planning Director recommended the Planning Board approve the parking plan this evening and he summarized the agreed upon details.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to approve with modifications, the Off-Street Parking Plan entitled "Proposed addition to Minuteman Harley Davidson" prepared for Sherwood Building Co., Inc., 449 Reed Road, Dartmouth, MA 02747 to be located at 799 State Road, Dartmouth, MA. The Parking Plan was submitted to the Planning Office on September 28, 2009.

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The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover Sheet,	--	August 10, 2009
Proposed Addition to Minuteman Harley Davidson Site Layout Plan,	1 of 2	August 10, 2009
Proposed Addition to Minuteman Harley Davidson Existing Conditions Plan,	2 of 2	August 10, 2009
Proposed Addition to Minuteman Harley Davidson		

Conditions of approval are listed below:

1. The area at the front of the building needs to be revised to show the raised display area described by the applicant at the Planning Board meeting of November 2, 2009 and to show new parking spaces to the north of the raised display area. The revised parking area at the front of the building needs to meet the standards of Section 16 with respect to parking spaces, dimensions, aisle width, and landscape islands.

The minimum number of required parking spaces needs to be identified on the plan so that any "extra parking" spaces can be labeled as mixed use "parking/display/special event areas". These mixed use areas shall be identified on the plans and identified on-site with signage and pavement wording.

2. Parking lot pavement at the south and east sides of the property has gone beyond the property line. The pavement off property shall be removed and cut back to provide the 5 foot minimum setback from property lines.
3. A landscape plan needs to be added to the plan set which includes the following:
 - A. The previously approved site landscaping from the auto sales parking plan.
 - B. Evergreen buffer plantings along the south property line where the pavement is to be cutback. It is recommended White Pine be used, spaced no further than 8 feet apart on center.
4. Since this parcel is situated within the Aquifer Protection Zone – Area 3, the proposed discharge of runoff from the roof drains of the building should be shown and connected to the existing stormwater recharge system. A separate recharge area may be required for the additional volume of runoff from the proposed roof area.

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Five sets of revised plans incorporating the above modifications shall be submitted to the Planning Office.

The Director of Inspectional Services shall not issue a building permit until a letter is received from the Planning staff stating that the plans have incorporated the above modifications; and a revised approved plan is forwarded with the letter.

Approval of this plan does not imply compliance with other Town ordinances, standards, and/or requirements administered by other Town agencies.

(6) Acknowledgement of Planning Board's F/Y'10 budget through September

A motion was made by Mr. Larrivee, duly seconded by Mrs. Miller, and unanimously (5-0) voted to acknowledge and file the update on the Planning Board's F/Y'10 budget through September.

(7) Planner's Report

- The Planning Director noted he met with David Cressman, the new Executive Administrator. Mr. Perry said Mr. Cressman is pleased with our commercial planning, especially our connector roads and landscaping.
- Fall Town Meeting adopted the new FEMA maps.
- Briefed the Board on NSTAR, Horseneck Road tree cutting. The Board was unhappy they were not informed of the situation earlier.
- Mr. Perry noted he met with Tom Davis who is negotiating with two energy companies (green chip recycling and solar panel farm) for the Aghai property off Energy Road. The Board had concerns on what type of job creation these uses provide since that land is valuable for uses which could create lots of jobs.
- Mr. Perry briefed the Board on details of the Department Head Meeting of November 2nd.
 - Discussed license renewals and the multi department teams that did the inspections.
 - Mr. Cressman is putting together a project review committee for a proposed composting facility off Old Fall River Road.
 - The Padanaram Bridge weight limit has been reduced by the State and may affect whether certain fire trucks can cross the Padanaram Bridge.
 - The DPW is trying to figure out where and who will operate the State vehicle inspection equipment.
 - The Gulf Road bridge replacement should be done by mid-June 2010.
 - The Dartmouth Street rehabilitation project from Rockdale Avenue to Rogers Street is coming in well under bid.

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- Planning Board approved request from Planning Director to attend 1-day American Planning Association Conference on Friday, November 6th.
- Board members expressed interest in attending this year's MMA Conference in January. Planning staff to inquire if Select Board are attending.

(15) For Your Information/New Business*

- Board of Appeals decisions
- Planning staff time sheets

New Business

- Mrs. Miller informed the Planning Board that SRPEDD was doing a study on lane departures, Reed Road, Tucker Road, Cross Road
- Mrs. Miller briefly described new technology to keep vehicles on the road, like fencing, fog lines. Trees may need to come down on Tucker Road.
- Mrs. Miller resumed discussing the matter concerning the failure of proper legal notification of abutters related to the Purdy Subdivision Plan. Displeasure was expressed noting this should never happen again.

Planning Staff was instructed to send a letter to Mr. Iacaponi and Mr. Cressman informing them that the Planning Board had an unfortunate situation arise where lack of knowledge about procedure on the part of temporary help resulted in a flaw of the notification process of abutters for a public hearing and to make them aware of the importance that temporary help/floater be trained in the technical requirements of the offices in which they assist.

- Mr. Haran asked Mr. Perry to make available to him a larger, better map of the Faunce Corner Road area, the area the Board has discussed 3-story zoning. The Planning Director asked that he come into the office to discuss the details.

At this time, Mr. Sousa suggested the Planning Board vote to go into Executive Session pursuant to M.G.L., Chapter 39, Section 23B to discuss approval of the Executive Session Minutes of October 26, 2009 and other personnel matters with the Planning Director. Hearing no objection, a motion was made by Mrs. Miller, seconded by Mr. Toomey, and unanimously voted (5-0), by roll call vote to close the Planning Board's regular meeting in order to go into Executive Session: Mr. Larrivee – yes, Mrs. Miller – yes, Mr. Haran – yes, Mr. Toomey – yes, Mr. Sousa – yes.

The Planning Board noted they would not be returning to regular session. The regular meeting adjourned at 9:07 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture

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Planning Aide