

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 7, 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 Vice Chairman called the meeting to order at 7:00 p.m. with four Planning Board members and Planning staff present. Mr. Sousa was unable to attend due to a death in the family.

Administrative Items

(1) Approval of Minutes

Regular Meeting of November 23, 2009

A motion was made by Mr. Larrivee, seconded by Mrs. Miller for discussion, and unanimously voted (4-0), to approve the minutes of the regular Planning Board meeting of November 23, 2009 as written.

(2) Correspondence

Legal Notices from City of Fall River
Legal Notices from Board of Appeals
Legal Notices from Conservation Commission

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

(5) Approval of Planning Board meeting schedule thru March 2010

A motion was made by Mrs. Miller, duly seconded for discussion by Mr. Larrivee, and unanimously voted (4-0) to approve the following Planning Board meeting schedule thru March 2010:

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Planning Board's meeting schedule thru March 2010 Planning Board Meeting Room, #315

Monday, December 14, 2009	-	NONE
Monday, December 21, 2009	-	Regular Meeting/Long Range Planning
Monday, December 28, 2009	-	NONE - CHRISTMAS HOLIDAY
Monday, January 4, 2009	-	NONE - NEW YEAR'S HOLIDAY
Monday, January 11, 2010	-	Regular Meeting/Long Range Planning
Monday, January 18, 2009	-	NONE - MARTIN LUTHER KING DAY
Monday, January 25, 2010	-	Regular Meeting/Long Range Planning
Monday, February 1, 2010	-	NONE
Monday, February 8, 2010	-	Regular Meeting/Long Range Planning
Monday, February 15, 2010	-	NONE – PRESIDENTS' DAY
Monday, February 22, 2010	-	Regular Meeting/Long Range Planning
Monday, March 1, 2010	-	NONE
Monday, March 8, 2010	-	Regular Meeting/Long Range Planning
Monday, March 15, 2010	-	NONE
Monday, March 22, 2010	-	Regular Meeting/Long Range Planning
Monday, March 29, 2010	-	NONE

(6) Planner's Report

- At this time the Planning Director asked the Board's consideration in approving an Approval Not Required Plan for Gifford Marine Co., Inc. which was received in the office earlier today. Mr. Perry explained the plan separates the Rite Aid Pharmacy from the Gifford Marine site on Dartmouth Street. The lots created meet the frontage and area requirements of the zoning bylaw, so the plan can be endorsed.

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (4-0) to endorse the Approval Not Required Plan entitled Gifford Marine, Co., Inc. for property located on Dartmouth Street and dated December 2, 2009.

- The Planning Director reported that he spoke with Ed Iacaponi about getting clerical help in the Planning Office.

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Public Hearing

- (3) **7:15 P.M. – PUBLIC HEARING – Definitive (OSRD) Subdivision Plan entitled “OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy” (Assessor’s Map 25, Lot 1-12 and Map 24, Lot 49) to be located north of Rock O’Dundee Road and east of Bakerville Road**

At this time being 7:15 p.m., the Planning Director noted that a written request has been received from the applicants asking that the Planning Board continue this public hearing to December 21, 2009. It was noted that OSRD plans are granted by Special Permit which need a minimum 4/5th favorable vote of the Board for approval. Since the Chairman was unable to attend this evening, as well as the Planning Board’s alternate member, Kathleen DeSordo, was unavailable; the applicant requested a continuance of the public hearing.

Mr. Perry noted for the record that no one was in attendance for this public hearing.

A motion was made by Mr. Larrivee, duly seconded by Mrs. Miller, and unanimously voted (4-0) to approve the request to continue the public hearing concerning the Definitive Subdivision Plan entitled “OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy” to 7:30 p.m. on December 21, 2009 in room #315, Town Office Building.

(6) Planner’s Report

- Discussion resumed on various questions and concerns the Planning Board had on staffing issues and contract negotiations with the professional union. The Board suggested a letter be sent to David Cressman, the Executive Administrator, asking that he meet with the Planning Board sometime in January to discuss this subject matter. The Planning Board also noted they would be willing to meet on another evening rather than a Monday, since the Select Board also convenes on Mondays. A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (4-0) to send Mr. Cressman a letter asking that he meet with the Planning Board. The primary topics the Planning Board would like information on are:
 - Mr. Cressman’s plan for consolidation of departments, especially if it involves the Planning Department.
 - The status of contract negotiations with the professional union of which the Planning Director is a member.
 - Any information on providing additional clerical staffing in the Planning Office.
- The Planning Director mentioned he spoke with Jennifer Chaves at SRPEDD regarding assistance in getting Pictometry up and running in the Town Hall. She absolutely was confident SRPEDD’s staff could assist the Town with this matter.

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- Mr. Perry noted the Town has gone live with the new website.
- The Planning Director mentioned the Padanaram Village Review Committee met on December 3rd and the bylaw is ready. He said the Committee would be formally giving their endorsement of the bylaw to the Planning Board at the next Planning Board meeting. Mr. Perry further noted that the Select Board is calling for a Special Town Meeting on January 12, 2010. The Padanaram Village Review Committee expressed an interest in placing the bylaw on this Special Town Meeting warrant if it could be done. In order to do this, he asked if the Planning Board would sponsor the bylaw. Board members agreed.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted to notify the Select Board that the Planning Board will sponsor the Village Business District zoning article and requests that the Select Board place this article on the warrant for Special Town Meeting to be held on January 12, 2010.

(7) Discussion on revised Planning Project Timeline Chart

Discussion ensued on two samples of revised timeline charts. One for the Village Business District zoning and one for the updated Limited Industrial zoning. Formatting suggestions were made. The Planning Director was also asked to develop a chart on updating Section 16 (Site Plan Review).

(10) For Your Information

- Planning staff time sheets
- Board of Appeals decisions

(4) 8:00 P.M. – PUBLIC HEARING – Definitive Subdivision Plan entitled “Bush Gardens” which proposes to create 2 new buildable lots on land off Bush Street just to the west of Thatcher Street

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (4-0) to recess the regular meeting at 8:00 p.m. in order to go into the public hearing for the Definitive Subdivision Plan entitled “Bush Gardens”.¹

The regular meeting resumed at 8:30 p.m.

Administrative Items

(9) Initial review of Definitive Subdivision Plan entitled “Bush Gardens”

As a result of this evening’s public hearing, the Planning Director recommended approval of the Definitive Subdivision Plan entitled “Bush Gardens”.

¹ For more information, see minutes of Planning Board Public Hearing of December 7, 2009 “Bush Gardens”

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A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (4-0) to approve as amended the Definitive Subdivision Plan entitled "Bush Gardens" for property located on Bush Street just to the west of Thatcher Street. The plan consisting of three sheets was prepared by SITEC, Inc. for Jorge Verissimo, 149 Willis Street, Dartmouth, MA 02748 and submitted to the Planning Board office on November 5, 2009.

The approved Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Definitive Subdivision Plan Bush Gardens	1 of 1	October 20, 2009
Existing Conditions Plan Bush Gardens	1 of 2	October 20, 2009
Street & Utilities Plan for Cookie Way Bush Gardens	2 of 2	October 20, 2009

The conditions of approval are listed below:

1. An Order of Conditions, if applicable, must be issued by the Dartmouth Conservation Commission under State and local wetlands regulations before lots will be released for building and sale; said Order of Conditions shall refer to the plans as approved by the Planning Board. If the Conservation Commission requires modifications to the plans approved by the Planning Board, the applicant may be required by the Planning Board to modify, amend, or change the plans in accordance with M.G.L., Chapter 41, Section 81W.
2. No work can commence on this project with respect to road construction or drainage improvements until after the Definitive Plan is endorsed by the Planning Board. All site improvements shall be in accordance with plans approved by the Planning Board.

The Definitive Plan shall conform in all respects with the applicable Subdivision Regulations of the Planning Board and current D.P.W. Construction Specifications.

In accordance with M.G.L., Chapter 41, Section 81-R, and as part of the Board's approval of said plan, the following waivers from its Subdivision Regulations were granted:

Section 3.303(e) Intersections – to allow 10' roadway intersection radii rather than 15' radii, due to the short road length and width serving only one lot which makes the road equivalent to a driveway.

Section 3.306 Curbing – to waive completely since no curbing will better promote stormwater runoff to match existing conditions.

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Section 3.310 Drainage – to waive and allow as shown on the plan, since all of the road runoff will be contained on-site, and runoff will not adversely affect properties or public ways.

It is the opinion of the Planning Board that the above waivers can be granted since the waivers are not inconsistent with the intent and purpose of the Subdivision Control Law.

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

The Vice Chairman asked if there was any other business this evening. There was none. Mr. Toomey noted that the next Planning Board meeting is scheduled for December 21, 2009, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn the meeting.

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (4-0), to adjourn this evening's meeting at 8:35 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide