

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF JANUARY 11, 2010**  
**Proposed Zoning Amendment “Village Business District”**  
**7:15 p.m., Room #315, Town Office Building, 400 Slocum Road**

**Planning Board Members**

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 opened at 7:17 p.m. the public hearing<sup>1</sup> concerning a proposed amendment to the Zoning By-Laws of the Town of Dartmouth which would create a new “Village Business District” zone and would change the Zoning Map by changing the existing Limited Business District zone in Padanaram located around Bridge and Elm Streets to a “Village Business District”.

All Planning Board members and Planning staff were present.

The Planning Director read the legal notice, which appeared in The Chronicle on Wednesday, December 16, 2009, and again on Wednesday, December 23, 2009. He stated legal notice was sent on December 9, 2009 to SRPEDD/SEED; DHCD Municipal Zoning and Land Use; the Planning Board’s of Fall River, Westport, Freetown, Gosnold, and New Bedford; and posted in the Town Office Building.

The Chairman asked if there were any questions or comments from the public.

Helen Francis, owner of the Packet in the Village, asked about the boundaries of the map and how come it didn’t continue pass Seaward Lane.

The Chairman explained that at this time there are no boundary changes being proposed, the existing “Limited Business District” zone will now become the “Village Business District” with the new language governing that district.

George Nelson, 15 Summer Street, stated the Planning Board should make it known that the district has not expanded and it hasn’t changed the existing designated business area.

---

<sup>1</sup> For more information, see minutes of the Planning Board’s regular meeting of January 11, 2010

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF JANUARY 11, 2010**  
**Proposed Zoning Amendment “Village Business District”**

Rich Rheume, Chairman of the Padanaram Village Review Committee, spoke in favor of the zoning article. He said the bylaw has been endorsed by the Committee members. However, Mr. Rheume did note that although the revised standards for off-street parking will help growth in the Village, not everyone is happy with them.

Attorney John Bentley, 15 Rock O’Dundee Road, spoke on behalf of some merchants in the Village. He voiced concern that there are no limits on the size of businesses. He said the parking standards aren’t adequate and in restaurants people tend to stay a couple of hours. He said with the uncertainty of major properties such as South Wharf being developed, these regulations could be disastrous, especially if someone opens a restaurant, gets a liquor license, allows music, and there is drinking. He felt the Board should consider reducing the parking exemption and require more off-street parking spaces for bigger businesses. He mentioned that perhaps a Special Permit could be required for the larger businesses empowering the Planning Board to reduce parking requirements, if appropriate, on a case-by-case basis. Attorney Bentley felt the bylaw would free things wide open at a time when things are changing. He urged the Planning Board to reconsider.

John Montigny, 7 Water Street, also spoke against this bylaw. He said he had participated in the Padanaram Village Review Committee meetings over the last couple of years but missed two of the last group meetings. He said the required parking spaces for restaurants went from 1 per 8 seats over 15 seats, to 1 per 8 seats over 50 seats and that change has ruined the entire bylaw. He said the Board needs to be cautious. He spoke about the late night drinking and congestion on Water Street. He said he wants diversity and would like to live in harmony with the businesses but felt the parking standards have been compromised by this bylaw.

In response to a question from Mr. Rheume, Attorney Bentley declined to identify who he represents this evening.

Mr. Rheume stated the Select Board has strong control over liquor licenses and if there are nuisance issues which need to be addressed, that Board should be notified.

Helen Francis again spoke in favor of this bylaw. She noted that with each restaurant that has closed in the Village, retail business has declined. She said the Village is dying and without restaurants the Village will die.

Nancy Feldman stated she has been a Committee member for 2 years. This bylaw is an effort to revitalize the Village.

Lengthy discussion ensued on size and scale of restaurants.

The Planning Director spoke about how the Waterfront Overlay District affects the larger uses and how half of the district with the biggest buildings and properties is governed by the Waterfront Overlay District, which does require a Special Permit for large uses.

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF JANUARY 11, 2010**  
**Proposed Zoning Amendment “Village Business District”**

Mr. Rheume stated that perhaps if a restaurant is over 50 seats, the bylaw could control outside dining by Special Permit.

Attorney Bentley did not feel the Waterfront Overlay District could limit larger uses since it is specific to protecting the working waterfront. He also stated nothing in the bylaw addresses character and scale.

The Planning Director mentioned new buildings or specific alterations require a Special Permit to review character and scale.

Mr. Montigny stated there needs to be more protection with specific timeframes set up controlling alcohol consumption outdoors.

Mr. Nelson pointed out from what he hears tonight the restaurants need to be regulated.

Mr. Rheume suggested that the need for such regulation must be broached with the Select Board upon their issuing liquor licenses and renewals. Mr. Rheume noted that 95% of the Committee voted for a 50-seat parking space exemption. However, a possible solution may be to require a Special Permit for restaurants over 50 seats.

Attorney David Russell, 335 Elm Street and Committee member, stated in his opinion the suggestion from Rich Rheume seems reasonable. We are looking to make the Village viable again. Maybe an amendment would make the parking standard less controversial. However, the real problem seems to be the behavior allowed at certain restaurants in the Village.

The Chairman asked if anyone in the audience had anything new to comment on.

Hearing none, the Chairman heard from various Board members.

Board members clearly made known that this bylaw comes from the Review Committee; it is not a Planning Board bylaw. With respect to restaurant complaints, the issue seems to be about the clientele of the restaurants. Related matters should be addressed upon liquor license renewal. Padanaram Village is an economic disaster; the current bylaws are choking businesses.

Again, Attorney Bentley suggested requiring a Special Permit on large-scale restaurants.

Discussion ensued on the possibility of proposing an amendment.

The Planning Director stated any amendment to this bylaw would need to be done on the floor of Town Meeting, since the warrant has already been printed.

Attorney David Russell noted although there are only 7 Committee members here this evening, the 7 members here were all very active and support the bylaw.

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF JANUARY 11, 2010  
Proposed Zoning Amendment "Village Business District"**

Discussion ensued on how many buildings could accommodate a 100-seat restaurant.

Mr. Sousa called for any more questions. There were none. He then asked for the Planning Director's recommendation on whether to close the public hearing.

Mr. Perry recommended closing the public hearing so the Planning Board can vote on its Report with Recommendation to Town Meeting this evening which is required by the Finance Committee and Town Clerk by January 12<sup>th</sup> according to the Executive Administrator referring to the Town Meeting deadline calendar.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted to (5-0), to close the public hearing on the proposed zoning amendment at 8:42 p.m. and return to the Planning Board's regular meeting.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide