

**MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 24, 2010**  
**Held at 7:00 p.m., Room #315, Town Office Building**  
**400 Slocum Road, Dartmouth, MA**

**Planning Board**

Mr. John V. Sousa, Chairman  
Mr. John P. Haran, Vice Chairman  
Mr. Joseph E. Toomey, Jr., 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 all Planning Board members and Planning staff present.

**Administrative Items**

**(1) Approval of Minutes**

**Regular Meeting of May 10, 2010**

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve the minutes of the regular Planning Board meeting of May 10, 2010 as written.

**Public Hearing of May 10, 2010 “Municipal Wind Turbine”**

A motion was made by Mr. Toomey, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the public hearing minutes of May 10, 2010 “Municipal Wind Turbine” as written.

**(2) Endorsement of Approval Not Required (ANR) Plans**

Jose DeSouza                      Russells Mills Road                      dated May 17, 2010

The Planning Director stated that this ANR is for property located on Russells Mills Road just west of Moonshine Corner. It creates two buildable lots. Both lots meet the frontage and area requirements of the General Residence District. He recommended plan endorsement.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to endorse the ANR plan prepared for Jose DeSouza dated May 17, 2010 for property located on Russells Mills Road.

## MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 24, 2010

Sandra Moran

Gaffney Road

dated May 17, 2010

The Planning Director stated this ANR is for property located on Gaffney Road just south of Potomska Road. It creates three new buildable lots and one lot with an existing residence. All lots meet the frontage and area requirements of the Single Residence B Zoning District.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to endorse the ANR plan prepared for Sandra Moran dated May 17, 2010 for property located on Gaffney Road.

### **(3) Correspondence**

Legal Notices from Town of Westport  
Legal Notices from Board of Appeals

A motion was made by Mr. Toomey, seconded by Mr. Haran for discussion, and unanimously voted (5-0), to acknowledge and file the above referenced legal notices.

### **(5) Update on Project Timeline Chart**

The Planning Director mentioned zoning reviewers have been invited to the next Planning Board meeting to offer their ideas and recommendations on the draft Office Industrial zoning bylaw.

A motion was made by Mr. Larrivee, duly seconded by Mr. Toomey, and unanimously voted (5-0) to acknowledge and file the update on the Project Timeline Chart.

### **(6) Planner's Report**

- With respect to the Select Board's compost facility zoning, they will be proposing an overlay district by right for a compost facility. Dan Perry wants to avoid the Special Permit process. With the by right proposal, an agreement will be made before the zoning is adopted similar to the 40R agreement the Town had with Lincoln Park.
- There is a proposal for a restaurant at the Packet in Padanaram Village. The architect noted if it were not for the new Village Business District, the business would not be able to open so soon because a Board of Appeals filing would be necessary.
- The Planning Director briefed Board members on the persistent inquiries of a resident on Cross Road who is upset with the expansion of the NSTAR substation on Cross Road. He explained that the resident has been told that jurisdiction is under the Department of Utilities but continues to call various departments for information.
- The sponsors of Cushman Park will be organizing a public awareness campaign and are seeking \$60,000. in fundraising efforts in addition to the CPC funding commitment.

## MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 24, 2010

### (4) 7:10 P.M. – APPOINTMENT– Steven Gioiosa: Discussion on “The Village at Cedar Dell” 40B subdivision plan

present: Steven Gioiosa, SITEC, Inc., representing the developer

The Planning Director gave a brief description of the previously approved project. He pointed out that the Village at Cedar Dell is located off Fisher Road not too far south of Old Westport Road. It was approved by the Board of Appeals as a 40B project and now the developer would like to convert to a non-40B development. Mr. Perry noted that in order to do so, zoning variances and Subdivision Regulation waivers are needed.

Steve Gioiosa, SITEC, Inc., spoke on behalf of the developer. He noted the project received approval from the Board of Appeals under M.G.L., Chapter 40B in 2007 for an 11 lot single-family development. Mr. Gioiosa described the road layout and the stormwater drainage system. He mentioned all the lots have passed perk tests and range in size from 30,000 s.f. to 45,000 s.f. in a Single Residence B (80,000 s.f.) district. He mentioned that approvals under Chapter 40B require that 25% of the lots are classified as “affordable” and with the current financial conditions it has been difficult to find qualifying buyers for those lots. Mr. Gioiosa explained the developer has been in conversation with the Select Board in possibly making a donation to the Town to be set aside for income qualified residents for housing improvements through a Town program in exchange for allowing all lots to be sold at market rate to compensate for the loss of 3 units under the affordable housing inventory.

Lengthy discussion ensued.

All five Board members spoke strongly in opposition to granting variances and waivers to convert all 11 lots into conventional buildable lots. Board members felt the developer had options such as combining some of the lots, selling an affordable lot for substantially less in order to move the market rate lots, or coming back with an OSRD development. Although Board members understood the developer’s dilemma, financial hardship is not a legitimate reason under the statute for the Board of Appeals to grant relief. It was also noted that even if the Board of Appeals were to grant variances, the developer would still need to receive waivers from the Planning Board under the Subdivision Regulations for street standards and drainage.

The Chairman recognized a couple, Mr. and Mrs. Ed Begly, 9 Cedar Dell Way, who live in one of only two of the houses built in the development. Mrs. Begly voiced concern that the developer may be walking away from this project and she urged Board members to keep this in mind. She also pointed out that she believes building permits were issued prematurely.

Concluding discussion, the Chairman advised Mr. Gioiosa to relay to the developer the Board’s thoughts and suggestions stated this evening.

# MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 24, 2010

## Administrative Items

### (7) For Your Information/New Business

- Memorandum from David Cressman, re: Select Board policy on public hearings for funding of Municipal Wind Turbines
- Planning Staff timesheets
- Board of Appeals decisions

Mrs. Miller asked Staff to invite the new Director of Development, Deborah Melino-Wender, to a Planning Board meeting at her convenience to become more acquainted with her background and task responsibilities.

The Chairman asked if there was any other business this evening. There was none. Mr. Sousa noted that the next Planning Board meeting is scheduled for June 7, 2010, 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. Larrivee, and unanimously voted (5-0), to adjourn this evening's meeting at 8:22 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide