

MINUTES OF REGULAR PLANNING BOARD MEETING OF JUNE 21, 2010

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

(8) Request for street determination on Short Street

The Planning Director noted that Short Street is located off Butler Street east of Prospect Street. The first section of Short Street is paved to 18 feet wide and this determination request is to pave another 100 feet. Mr. Perry explained that the maximum number of lots that can use Short Street is two. The subdivision standard for two lots is a 16 foot wide paved road, and so the proposed 18 foot wide improvement exceeds the subdivision standard.

Brief discussion ensued.

A motion was made by Mr. Haran, duly seconded by Mr. Larrivee, and unanimously voted (4-0) with Mrs. Miller abstaining to recommend the following street standard to provide frontage for a portion of Short Street. The Planning Board recommends a pavement width of 18 feet wide from the end of the existing paved portion of Short Street to a point that provides the minimum required frontage for Lot 142, Map 123. The Dartmouth Department of Public Works should be consulted for utilities and drainage. This determination is valid until June 21, 2011.

Appointments

(3) 6:50 P.M. – APPOINTMENT – Deborah Melino-Wender: Director of Development: Informal discussion with Planning Board

Ms. Deborah Melino-Wender was invited to meet with the Board for an informal discussion. She spoke briefly about her educational and employment background and mentioned she is currently a Planning Board member in Newport. Ms. Wender described some of the basic tasks she will be accountable for. She pointed out one of her responsibilities, as Director of Development, will be to assemble a pre-development review team to discuss town issues, coordinate departmental concerns, and find solutions. She also mentioned she will be involved with economic development, the implementation of the grant program, and exploring ideas for Dartmouth on becoming a “green community”.

The Planning Board thanked Ms. Wender for coming this evening and offered their cooperation and assistance should the need arise.

(4) 7:00 P.M. – APPOINTMENT – Mark Nunes: Discussion of creating two undersized lots and removal of a covenant running to the Planning Board

Present: Mark and Marta Nunes, 278 Slocum Road

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The Planning Director briefed the Planning Board on a request by Mr. and Mrs. Mark Nunes to get the Board's input on the possibility of modifying conditions placed on their current residence as a result of a Special Permit approval for the Marriott Assisted Living facility on Slocum Road. Mr. Perry mentioned that Mr. Nunes is hoping to create a new undersized lot by Board of Appeals variance to build a second house on the land but the Planning Board would need to agree to the eradication of the existing open space covenant which runs with the land.

Mr. Nunes provided historical background on the creation of his house lot. He noted Marriott Senior Living Services purchased the entire parcel which at the time included the house he currently lives in. After the assisted living facility was built, a separate lot was created which included the house and an open space easement area. Mr. Nunes explained that over the years, he and his wife have made an effort to get the open space area under control but debris, fallen trees, and aggressive plants continue to accumulate. He said tonight he is looking for the Board's endorsement on eliminating the open space covenant so he could then apply to the Board of Appeals to create a second lot.

Lengthy discussion ensued. Of particular concern was language in the covenant which stated "shall be maintained in perpetuity for open space" and the Board questioned if in fact they had the legal ability to nullify the covenant. Board members also felt the opinion of the direct abutters would also be important.

While there was general agreement among the Board members to consider this request, without Town Counsel's legal opinion, there could be no further dialogue.

The Chairman also pointed out to Mr. and Mrs. Nunes that even if the Planning Board were to agree to the elimination of the covenant, the Board of Appeals ultimately will be making the decision to allow the lot to be divided into two separate lots.

The Planning Director was instructed to send Town Counsel a letter asking his opinion on whether the covenant can be rescinded if both the Planning Board and owner of land agree to the rescission.

(5) 7:15 P.M. – APPOINTMENT – Richard Arruda, Fire Chief #3: Review of proposed paint lines for parking spaces at the District #3 Fire Station, State Road

Present: Richard Arruda, Fire Chief #3

The Planning Director explained that Chief Arruda requested this appointment to discuss and hopefully gain approval to stripe parking spaces for the District #3 Fire Station parking lot located at 254 State Road.

The Fire Chief explained this request was before the Board in 2007 but withdrawn because of ongoing litigation with Panagakos Development regarding the use of the adjoining property. However, those issues have been resolved and he is looking for the Board's consent to proceed.

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Discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to approve a plan to paint lines for parking spaces in the existing parking lot for the District #3 Fire Station at 254 State Road. The approved plan is entitled "Parking Lot Improvements to the Dartmouth Fire Department, District 3 – Station 3, 254 State Road" dated June 1, 2007. Since the plan improves the existing condition and promotes further compliance with Section 16, a formal parking plan submittal is not required.

Administrative Items

(9) Discussion on M.G.L., Chapter 39, Section 23D

The Planning Director explained that Mike O'Reilly, Conservation Commission, is asking various departments if they are interested in co-sponsoring the adoption by the Town of a bylaw under M.G.L., Chapter 39, Section 23D which would allow a Board member or commissioner to vote on a proposal after having missed a public hearing provided that certain criteria is met.

Discussion ensued.

Although Board members expressed concerns and were not entirely in favor of supporting the regulation, after some thought and discussion, it was the consensus of the Board to agree that the adoption of this article would benefit other Town departments.

(10) Planner's Report

- The Board of Appeals Clerk is moving up to the Grant's Department next door to the Planning Office and will be assisting the Planning Board occasionally. The Planning Office would also have to assist Board of Appeals, possibly by taking in applications when their office is closed.

The Board felt as long as the arrangements are mutually beneficial such cooperation is good for the Town.

- Held a meeting in Padanaram Village to discuss angle parking in anticipation of the Village becoming more active with new businesses. It was felt the best approach would be to have discussion with the Police Department and Town officials first, then go to neighbors.
- The Planning Office has received the Walgreen's parking plan for State Road at Cross Road.
- National Power Grid will not be locating at Energy Park (Aghai property) because they were not approved by the State. Cape Wind was awarded the approval.

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(11) Your Information/New Business

- Letter from Richard Arruda, Fire Chief #3, dated June 11, 2010 re: Toys-R-Us
- Letter to Mass DOT from DPW, dated June 14, 2010 re: roadway improvements, State Road and Tucker Road
- Planning Staff timesheets

The Planning Director asked the Board to consider this evening a request for surety reduction on the Definitive Subdivision Plan entitled "John Alden Farm" East off Tucker Lane. The developer is hoping to release lots on the second phase (John Alden Farm West) at the next Planning Board meeting. The DPW has indicated that the surety held on John Alden Farm East can be reduced to \$56,000. If Board members could vote this evening to reduce the surety, the current letter of credit could be reduced accordingly, and the funds could be applied to a new letter of credit being issued on the next phase (John Alden Farm West).

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and so voted (3-0) with Mr. Sousa and Mr. Toomey abstaining to release \$44,000. of the current surety posted for the definitive subdivision entitled "John Alden Farm East " leaving a balance of \$56,000 and so notify the Town Treasurer.

At this time, Mrs. Miller mentioned that she is unable to attend the SRPEDD meeting on Wednesday evening and asked if any Board members were available to take her place. All members had prior commitments and the Planning Director offered to attend.

The Planning Board authorized Donald A. Perry, Planning Director, to attend in her place and be its representative for that meeting.

Mrs. Miller spoke about the traffic lights on Faunce Corner Road at Hawthorn Medical. She noted tree branches are covering the signals and need to be trimmed. Mr. Perry mentioned he has already contacted the Department of Public Works about it.

For the next long range planning meeting, Mrs. Miller suggested that Mr. Perry research the 15 acre parcel of land across from U-Mass and report on the possibility of creating an overlay district (bio-park/office). Board members did not see the potential for this site and it was not clear whether the Planning Board wanted to pursue this concept.

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 28, 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 Mr. Larrivee, seconded by Mr. Haran, and unanimously voted (5-0), to adjourn this evening's meeting at 8:19 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide