

**MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 23, 2011**  
**Planning Board's Meeting Room #315, Town Office Building**  
**400 Slocum Road, Dartmouth, MA**

**Planning Board**

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

**Executive Session**

**(1) EXECUTIVE SESSION - M.G.L., Chapter 30A, Section 21A(3) re: South Wharf Subdivision ongoing litigation**

Present: Anthony Savastano, Dartmouth Town Counsel

By roll call vote, a motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted to recess the Planning Board's regular meeting at 7:00 p.m. in order to go into Executive Session pursuant to M.G.L., Chapter 30A, Section 21A(3).

Lorri-Ann Miller – yes, John Sousa – yes, Arthur Larrivee – yes, John Haran – yes, Joseph E. Toomey, Jr. – yes.

The regular meeting reconvened at 7:37 p.m.

**Administrative Items**

**(2) Approval of Minutes**

Regular Meeting of May 9, 2011

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of May 9, 2011 as written.

## MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 23, 2011

Executive Session of May 9, 2011 "South Wharf Subdivision ongoing litigation"

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 Executive Session of May 9, 2011 as written.

### **(3) Invoices**

W.B. Mason                      dated May 10, 2011                      for \$145.12  
re: miscellaneous office supplies

Joyce Couture                      dated May 11, 2011                      for \$44.77  
re: reference book, signature stamp for new clerk

Donald A. Perry                      dated May 17, 2011                      for \$75.50  
re: recording at Registry of Deeds

A motion was made by Mr. Sousa, duly seconded by Mr. Haran, and unanimously voted (5-0) to approve payment of the above referenced invoices.

### **(4) Correspondence**

Legal Notices from Town of Freetown  
Legal Notices from Conservation Commission

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to acknowledge and file the above referenced correspondence.

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

The Planning Director stated that we are on schedule for all articles.

### **(6) Update on F/Y11 budget through April**

The Chairman spoke briefly on the status of the budget.

### **(7) Endorsement of Definitive OSRD Subdivision Plan entitled "Daxl Fields"**

The Planning Director stated that the plans have been revised in accordance with the certificate of action and the Declaration of Trust document is in order. Mr. Perry mentioned the trees and signs have been installed which were the only improvements required by the subdivision approval. Since no performance covenant is needed, there is no need to have a lot release from a performance covenant. Therefore, the three lots can get building permits once the plan is endorsed. He recommended the Planning Board endorse the plan.

## MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 23, 2011

A motion was made by Mr. Haran, duly seconded by Mrs. Miller, and so voted (4-0) with Mr. Larrivee abstaining to endorse the Definitive OSRD Subdivision Plan entitled "Daxl Fields".

### **(8) Action on moving Planning Board meetings to Tuesday night**

After some discussion, the Planning Board decided it would be best to continue holding their meetings on Monday evenings.

### **(9) Approval of Planning Board's Meeting Schedule through August**

Discussion commenced on the draft meeting schedule prepared by Planning Staff through the summer months. Planning Staff noted that they explored having meetings in the Select Board's meeting room on occasion, but with the holiday in July, the Planning Board's every other week schedule basically paralleled the Select Board's schedule. The proposed meeting schedule may need to be revised if Planning Staff takes vacation time or to accommodate filming in the Select Board's meeting room. However, at this time the Planning Board decided to accept the schedule as written.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to approve the following Planning Board meeting schedule through August:

Monday, June 6, 2011	-	Regular Meeting/Long Range Planning
Tuesday, June 7, 2011	-	ANNUAL JUNE TOWN MEETING
Monday, June 13, 2011	-	NONE
Monday, June 20, 2011	-	Regular Meeting/Long Range Planning
Monday, June 27, 2011	-	NONE
Monday, July 4, 2011	-	NONE - FOURTH OF JULY
Monday, July 11, 2011	-	Regular Meeting/Long Range Planning
Monday, July 18, 2011	-	NONE
Monday, July 25, 2011	-	Regular Meeting/Long Range Planning
Monday, August 1, 2011	-	NONE
Monday, August 8, 2011	-	Regular Meeting/Long Range Planning
Monday, August 15, 2011	-	NONE
Monday, August 22, 2011	-	Regular Meeting/Long Range Planning
Monday, August 29, 2011	-	NONE
Monday, September 5, 2011	-	NONE – LABOR DAY

### **(10) Approval of Paving Plan for St. Anne's Plaza**

The Planning Director stated that the owner of St. Anne's Plaza would like to pave the loading area at the rear of the property. He noted the area is currently used for loading and is hard-packed gravel and the pavement will stay within the bounds of the current gravel use areas.

## MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 23, 2011

Discussion ensued.

It was determined that the Planning Board would like to see a properly engineered plan showing the proposed paving and how it relates to the connections with the Walgreen's property next door. The Planning Director would so notify Mr. Kopaczewski.

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

- Studying Padanaram Village parking

The Planning Director spoke about a group meeting with the Safety Officer, the D.P.W., and the Director of Development to discuss creating more parking in Padanaram Village. Some alternatives were re-striping street spaces, creating a municipal parking lot, and pursuing an agreement to use St. Peter's parking lot.

- Parking Plan for proposed tour bus storage facility

Mr. Perry mentioned that there is a proposal for a tour bus storage facility for about 20 busses on the Dartmouth side of the New Bedford Business Park on Castaldi Drive. It will need review and approval of the parking plan by the Planning Board.

- Westport River watershed buildout

The Planning Director reported that at a recent Reviewer's Meeting, the reviewers met with a consultant who is developing the buildout for the Westport River Watershed, of which a large part is in Dartmouth. It is important to be accurate because the results could have major financial implications in correcting future mandates regarding nitrogen loading. Westport came up with 1/3 less buildout and Dartmouth could probably do the same. The group will finalize the buildout plans at the next Reviewer's Meeting.

### **(12) For Your Information/New Business**

- Memorandum of Agreement between Town of Dartmouth and Midway Realty, LLC

Concern was raised that the agreement does not include age restricted language for the apartments as was in the previous agreement.

- E-mail on legal fees re: Moratorium bylaw

## MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 23, 2011

- Board of Appeals decisions

The Board clarified that it wanted the Planning Director's recommendation letters to the Board of Appeals included in the packets at the time they are written.

- Memo from David Cressman regarding COA folding chairs
- Legal Notice for Elm Street Development
- Planning staff timesheets

### **(13) Discussion of long-range planning projects – Section 16 zoning**

Discussion commenced with a new section, Section 16.900 – Waiver of Requirements and language modification was suggested. Mr. Perry was instructed to forward this new language to Town Counsel for comment. The Board continued to review the revised Section 16 page by page. Areas of discussion included driveway setbacks from intersections and drive-thru language clarification.

At this time being 9:30 p.m., Mr. Toomey stated the Board would continue this review at the next Planning Board Meeting.

Mr. Toomey noted that the next Planning Board meeting is scheduled for June 6, 2011, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:30 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide