

MINUTES OF REGULAR PLANNING BOARD MEETING OF JULY 11, 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 three Planning Board members and Planning Staff present. Mr. Sousa and Mrs. Miller were unable to attend.

Administrative Items

(1) Approval of Minutes

Regular Meeting of June 20, 2011

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (3-0) to approve the minutes of the regular meeting of June 20, 2011 as written.

Public Hearing of June 20, 2011 "Kevin Santos, 304 Elm Street"

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (3-0) to approve the minutes of the public hearing of June 20, 2011 "Kevin Santos, 304 Elm Street" 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 Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (3-0) to acknowledge and file the above referenced correspondence.

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Appointment

(3) 7:00 P.M. – APPOINTMENT – Attorney Anthony Savastano (Town Counsel): Discussion of Section 16.900 - Waiver of Requirements

Present: Anthony Savastano, Town Counsel

The Planning Director mentioned that Town Counsel is present this evening to discuss the waiver language that is being considered for the revised Section 16 – Off-Street Parking Plan Regulations. Mr. Perry mentioned that in discussing this new subsection with Town Counsel, concerns were expressed about the proposed intent and language of the bylaw. He noted Attorney Savastano agreed to meet with the Planning Board to better understand the intent of the bylaw.

Attorney Savastano stated that he spoke with Lorri-Ann Miller earlier in the day to get her view on what this language is meant to accomplish. He said, if he understands it, the Board basically would like to give themselves variance powers through a Special Permit process.

It was established that basically the Board is looking to give relief to existing uses to keep viable businesses viable. Some plazas cannot comply with all the standards of Section 16 but could comply with some, and the Board would like to be able to have options. Also, if a business owner/applicant can show full compliance on a plan, the Planning Board would like the option to allow a reduction in existing required parking – similar to the OSRD process.

Discussion ensued.

Attorney Savastano said he would generate some language for the Board's consideration.

Administrative Items

(4) Initial review of Off-Street Parking Plan entitled “MDT Coach”

Present: Tom Davis, Greater N.B. Industrial Foundation
Mario Dinis, applicant
Paul Carlson, Insite Engineering Services, LLC

Mr. Davis, Executive Director of the Greater N.B. Industrial Foundation, commenced discussion by providing an overview of the proposal. He spoke about the success of the N.B. Business Park to attract new companies and mentioned this proposal is for a high end bus touring company.

Discussion ensued regarding relatively minor plan changes as recommended by the Planning Director.

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A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (3-0) approve the Off-Street Parking Plan entitled "MDT Coach" prepared for Mario Dinis, 1860 Fall River Avenue, Seekonk, MA 02771 to be located on Castaldi Drive, New Bedford Business Park. The Parking Plan was submitted to the Planning Office on June 10, 2011.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover Sheet, MDT Coach	1	June 2, 2011
Existing Conditions, MDT Coach	2	June 2, 2011
Site Layout Plan, MDT Coach	3	June 2, 2011
Grading & Utility Plan, MDT Coach	4	June 2, 2011
Lighting & Landscape Plan, MDT Coach	5	June 2, 2011
Details Plan, MDT Coach	6	June 2, 2011
Details Plan, MDT Coach	7	June 2, 2011
Erosion Control Plan, MDT Coach	8	June 2, 2011

Conditions of approval are listed below:

1. The sidewalk at the front of the building needs to extend to the access drives on the north and south sides of the building including handicapped accessible ramps through the curbing.
2. The light post in the north tree island needs to be moved out of the tree island so that tree growth will not interfere with the light.
3. The landscape plan needs the following modifications:
 - A. Existing trees to be preserved need to be identified on the plan with a note: "Edge of existing vegetation not to be removed. If construction results in removal, new plantings approved by Planning Staff shall be provided". A line marking the edge of existing vegetation to be preserved shall be shown on the plan.
 - B. All trees and shrubs need to be keyed on the plan as to their identity.
 - C. One tree and ten shrubs shall be provided in the four islands between the parking spaces and access aisles. Use Little Leaf Linden for the trees and Densifloris Yew for the shrubs.
 - D. Instead of Arborvitae in front of the fence away from the building, utilize White Spruce spaced ten feet on center.

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- E. The Arborvitae in front of the fence near the building need to be specified as to spacing, which should be three feet apart on center.
 - F. Instead of trees and shrubs in the detention basin, the following should be planted in the grass area between the detention basin and parking lot:
 - Eight White Pine spaced fifteen feet apart on center
 - Along the parking lot edge, Densiformis Yew spaced two feet apart on center
 - G. Norway Spruce shall be planted between the cul-de-sac and storage/parking areas spaced twenty feet apart on center.
 - H. See Planning Staff for details regarding the above.
4. A weir is proposed as an outlet for the main detention pond abutting the cul-de-sac. This would allow the pond to discharge directly into the roadway should it fill up to capacity. This will not be approved. The overflow should be directed into the existing drain pipe in Castaldi Drive. A detail of this connection should be shown on the plans.
 5. The 1" water service within the roadway must be type K copper with a curb stop at the property line. The 8" fire line must include a tapping gate at the existing water main.
 6. A detail of the grease/gas trap should be shown on the plans. The gas trap must be watertight and installed utilizing watertight manhole frames and covers, adjusting rings and internal rubber seals as are required for sewer manholes.
 7. The developer will be responsible for filing an "Application for Inspectional Services" with the D.P.W. and pay the required fees for our department to inspect the development. This requirement shall appear as a note on the plan.

Three sets of revised plans shall be submitted to the Planning Office.

The Director of Inspectional Services shall not issue a building permit until a letter is received from the Planning Director and an approved plan is forwarded with the letter.

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

(5) Update on Project Timeline Chart

The Planning Director said the revised Section 16 zoning is on track and the Board is working with Town Counsel to finalize the bylaw.

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Appointment

(6) 7:45 P.M. – APPOINTMENT - Karen Johnson: Review of proposed changes to parking facility at former Hollywood Video (Shaw's Plaza)

Present: Karen Johnson, Charter Realty & Development Corp.

The Planning Director explained that the applicant is proposing to convert the former Hollywood Video into a restaurant. He mentioned Karen Johnson is here this evening to discuss the proposal and address any questions the Board may have.

Ms. Johnson provided an overview of the project. She mentioned that they are proposing to rehab the former Hollywood Video in the Shaw's Plaza to provide for a restaurant use, with outdoor seating along the west façade of the building.

Discussion ensued.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (3-0) to conditionally approve the proposal to convert the former Hollywood Video into a restaurant and retail space in accordance with the plan entitled "Proposed Site Improvements Shaw's Plaza" dated June 14, 2011 with the following conditions:

1. A handicapped parking space shall be marked off at the restaurant entrance.
2. A landscape plan shall be approved by Planning Staff for the proposed green space at the rear of the laundromat.
3. Two revised plans shall be submitted to the Planning Office.

Once the above conditions are met, a letter will be sent to the Director of Inspectional Services stating that a building permit can be issued based on the revised plan.

Administrative Items

(7) Planner's Report

- Info on MA Association of Planning Directors, Inc. Conference

As requested at the previous Planning Board meeting, Mr. Perry provided more detail on the recently held MA Association of Planning Director's conference. He said it was held the beginning of June, the same week as Town Meeting. Mr. Perry did not attend because he had just attended a 4-day National Conference in Boston but he said he would attend this conference in the future.

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- Zoning Bylaw assistance

The Planning Director stated that Mr. Cressman has requested his assistance to work with Deborah Melino-Wender on developing a gaming bylaw. Brief discussion ensued. With only three members present this evening, it was decided to postpone action and place this matter on the next meeting agenda.

- COA garages

Mr. Perry made known that the Council on Aging would like to construct garages on Rogers Street to store vehicles. He noted such a proposal will need parking plan approval from the Planning Board.

(8) For Your Information/New Business

- Town of Dartmouth Street Acceptance Policy
- Board of Appeals decisions
- Subcommittee reporting
- Reviewer's Meeting update
- Planning staff timesheets

The Planning Director stated David Cressman is assisting the Town Moderator in requesting that the Planning Board appoint a delegate to the Municipal Facilities Committee. He said the delegate is usually the Board Chair but can be any Board member. Since there were only three Board members present this evening, this matter was postponed until the next meeting.

Mr. Haran updated the Board members on the recent Charter Review Committee meeting.

Mr. Haran asked about placing an item on the next agenda to discuss how the zoning bylaws affect tents. The Planning Director mentioned the bylaws do not regulate tents if they are not located in parking lots. Mr. Haran would still like to see tent permits streamlined. Mr. Perry stated he would talk to Paul Murphy and report back.

Mr. Toomey noted that the next Planning Board meeting is scheduled for July 25, 2011, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (3-0), to adjourn this evening's regular meeting at 8:30 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide