

**MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 22, 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 7:01 p.m. with all Planning Board members and Planning Staff present.

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of August 8, 2011

A motion was made by Mr. Larrivee, duly seconded by Mr. Sousa for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of August 8, 2011 as written.

**(2) Correspondence**

Legal Notices from Board of Appeals  
Legal Notices from Conservation Commission

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

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

Peter Hawes                      Old Reed Road                      dated August 17, 2011

The Planning Director stated that the purpose of this ANR Plan is to convey a .31 acre parcel of land between two abutting lots, in order to meet a proposed setback for a solar installation on one of the lots. He noted it is a conveyance plan and both lots would still comply with frontage and area requirements of the zoning district.

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Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to endorse the Approval Not Required Plan for Peter Hawes and Janice McDonough dated August 17, 2011 for property located off Old Reed Road.

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

The Planning Director stated that the Planning Board should meet the specified timelines.

### **(5) Endorsement of Definitive OSRD Subdivision Plan entitled “Bethany Estates”**

The Planning Director reported that the plans have been revised in accordance with the certificate of action. He said all the legal documents are in order. He recommended the Planning Board endorse the plan.

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to endorse the Definitive OSRD Subdivision Plan entitled “Bethany Estates”.

### **(6) Endorsement of Definitive Subdivision Plan entitled “Sheldon Woods”**

The Planning Director stated this plan has previously been endorsed by the Planning Board but was not recorded at Land Court for various reasons. He said the developer’s attorney is requesting that the Planning Board re-endorse the plan since it has been more than six months from the date of the last endorsement and the Registry of Deeds will not accept it.

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to re-endorse the Definitive Subdivision Plan entitled “Sheldon Woods”.

### **(7) Release of lots in Definitive OSRD Subdivision Plan entitled “Riverside Woods”**

The Planning Director stated the Department of Public Works has provided a surety estimate on the completion of remaining work in the Riverside Woods Subdivision. He said the developer is in the process of posting cash with the Town Treasurer and would like a conditional release of lots. Mr. Perry noted that Planning Staff would not release the Release of Lots form to the developer until a letter is received from the Town Treasurer stating that the surety has been posted.

Brief discussion ensued.

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A motion was made by Mr. Sousa, duly seconded by Mr. Haran, and so voted (4-1) with Mr. Larrivee opposed, to conditionally release lots 1-9 inclusive in the Definitive OSRD Subdivision Plan entitled "Riverside Woods".

### **(8) Planners Report**

- Professional Union Contract

The Planning Director reported on the status of the professional union contract which has been in negotiation with the Select Board for quite some time. He mentioned the unionized department heads voted favorably to accept the agreement last Friday. Mr. Perry said if the Select Board vote favorably on the agreement, an article will go to Fall Town Meeting for funding. Mr. Perry also said if the Planning Board has questions, he was told Board members should contact David Cressman, the Executive Administrator.

Brief discussion ensued. With a public hearing scheduled for 7:15 p.m. this evening, this matter was to be further discussed later this evening.

### **Public Hearing**

#### **(9) 7:15 P.M. – PUBLIC HEARING – (Scenic Road Bylaw) - Request by Chris Tracey to remove 10 feet of stonewall to allow better driveway access at 842 Rock O'Dundee Road, Assessor's Map 28, Lot 72**

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:21 p.m. in order to go into a public hearing<sup>1</sup> concerning the request from Chris Tracey to remove 10 feet of stonewall at 842 Rock O'Dundee Road, Assessor's Map 28, Lot 72.

The regular meeting resumed at 7:29 p.m.

### **Administrative Items**

#### **(10) Action on request to remove 10 feet of stonewall at 842 Rock O' Dundee Road**

As a result of this evening's public hearing, with no objections expressed, a motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to grant the request by Chris Tracey to remove 10 feet of stonewall to allow better driveway access at 842 Rock O'Dundee Road, Assessor's Map 28, Lot 72.

The Dartmouth Planning Board voted to grant permission to remove portions of the stonewall with the following conditions:

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<sup>1</sup> For more information, see minutes of Planning Board's Public Hearing of August 22, 2011 "Scenic Road Request"

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1. The existing driveway opening through the stonewall can be widened to no more than twenty (20) feet wide.
2. The millstones can bracket the widened opening and permission is granted to remove portions of the stonewall beyond the twenty (20) foot opening in order to incorporate the millstones into the existing stonewall.

### Appointment

#### **(11) 7:30 P.M. – APPOINTMENT - Steven Gioiosa: Final action on revised parking plan for Panagakos Development, 299 State Road**

Present: Steven Gioiosa, SITEC, Inc.

The Planning Director explained that this off-street parking plan was sent back to the engineer in order to address issues identified by the Planning Board at its meeting of June 20, 2011. Mr. Perry noted that all of the issues have been addressed, except that a slight angling and adjustment of one of the future access connections is needed.

Mr. Haran recused himself from participating in this discussion explaining that he owns property that abuts this proposal.

Mr. Gioiosa described the revisions which were made to the plan. Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (4-0) with Mr. Haran abstaining, to approve the Off-Street Parking Plan entitled "Panagakos Development" prepared for Michael Panagakos, P.O. Box 51327, New Bedford, MA 02745 to be located at 299 State Road. The Parking Plan was submitted to the Planning Office on May 25, 2011.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Site Layout Plan, 299 State Road	1 of 7	3/31/11 rev. 7/29/11
Site Grading Plan, 299 State Road	2 of 7	3/31/11 rev. 7/29/11
Site Utilities Plan, 299 State Road	3 of 7	3/31/11 rev. 7/29/11
Landscaping Plan, 299 State Road	4 of 7	3/31/11 rev. 7/29/11
Existing Conditions, 299 State Road	5 of 7	3/31/11 rev. 7/29/11
Detail Sheet, 299 State Road	6 of 7	3/31/11 rev. 7/29/11
Detail Sheet, 299 State Road	7 of 7	3/31/11 rev. 7/29/11

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Conditions of approval are listed below:

1. The possible future connection closest to Old Westport Road should be moved slightly to the west and angled. This will allow for better internal alignment and allow the driveway to intersect the adjacent plaza driveway at a right angle when it is extended in the future.

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 Planning Staff 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.

### Administrative Items

#### **(12) Planners Report**

- Professional Union Contract

Discussion continued on the recent union sanctioned agreement with the Town for Department Heads. The Planning Board asked that Mr. Perry provide a copy of the agreement.

- Dartmouth Community Park

Mr. Perry mentioned the playground equipment has been installed and a very interesting bronze sculpture will be added to the park.

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

- Notice of Public Hearing for the "Village at Lincoln Park"
- Board of Appeals Decisions
- Planning Staff Timesheets
- Reviewers Meeting Update

Mr. Perry stated permits for the Cedar Dell Subdivision were discussed, particularly since various departments want to make sure all conditions are adhered to before granting permits.

The Planning Director provided an update on the Russells Mills Library, mostly with respect to the requirement for an underground propane tank.

Next, the Solar Farm at the landfill was discussed and it was noted, permitting is on hold waiting for the by-right solar bylaw to be approved by the Attorney General's Office.

- Subcommittee Reports

## **MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 22, 2011**

Mr. Toomey noted that the next Planning Board meeting is scheduled for September 12, 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. Haran, and unanimously voted (5-0), to adjourn this evening's regular meeting at 8:13 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide