

MINUTES OF REGULAR PLANNING BOARD MEETING OF JANUARY 9, 2012
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. Joel Avila

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 December 19, 2011

A motion was made by Mr. Avila, duly seconded by Mrs. Miller for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of December 19, 2011 as written.

Cont. Public Hearing of December 19, 2011 "The Preserve at High Hill"

A motion was made by Mr. Sousa, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the public hearing of December 19, 2011 "The Preserve at High Hill" as written.

(2) Correspondence

Legal Notices from City of Fall River
Legal Notices from Town of Westport
Legal Notices from Board of Appeals
Legal Notices from Conservation Commission
Letter from Community Preservation Committee dated December 21, 2011

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

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At the request of a Board member, the above referenced letter from the Community Preservation Committee was held to be discussed later in the evening.

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

Katherine White Gaffney Road dated December 20, 2011

The Planning Director stated that this ANR plan is for property located at the end of Gaffney Road. It creates two non-buildable parcels to be conveyed to abutters. He noted the remaining land still meets the zoning requirements and the ANR plan can be endorsed.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted to endorse the Approval Not Required Plan of Katherine White dated December 20, 2011 for property located on Gaffney Road.

Leo Marshall Rockland Street dated January 2, 2012

Mr. Perry described an ANR plan for property located at the corner of Rockland Street and Memorial Avenue. He noted the plan creates a non-buildable parcel to be conveyed to an abutter and the lot from which the parcel is taken still meets the zoning requirements.

A motion was made by Mr. Haran, duly seconded by Mr. Sousa, and unanimously voted to endorse the Approval Not Required Plan of Leo Marshall dated January 2, 2012 for property located at the corner of Rockland Street and Memorial Avenue.

(4) Initial review of Off-Street Parking Plan entitled "A & A Jewelers, 169 Rockdale Avenue"

Present: Steven Gioiosa, SITEC, Inc., representing the applicant
 Several representatives for McDonald's Corp.:
 Joseph Winterhalter, proprietor of McDonald's, 149 Rockdale Avenue
 Attorney Steven Weil, Doherty, Ciechanowski, Dugan & Cannon, P.C.
 Pat Mallowney, Pat Mallowney Real Estate
 Nancy Dittmeier, Property Manager, McDonald's USA

The Planning Director provided a brief history of the property. He stated the proposal is for a jewelry store in the former Bank of America located on Rockdale Avenue in front of McDonald's, just north of Dartmouth Street. He noted the change of use from a bank to retail triggered a parking plan submission for this site.

Directly, Steven Gioiosa, SITEC, Inc., proceeded with a more in-depth narrative describing proposed structural changes to the existing building (ie. demolish canopy and drive-thru), traffic flow, parking layout, and the interconnection with the abutting McDonald's.

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Attorney Steven Weil, spoke on behalf of McDonald's Corp. He provided a history on the property which had an agreement to allow the now defunct bank to use the McDonald's parking lot for parking and access. He said the legal instrument to allow parking was specific to the bank and is no longer valid. Attorney Weil further questioned the compliance of the plan with the Town's parking plan regulations identifying what he felt were three items of non-compliance (number of parking spaces required, parking space setback from the building, and length of parking stalls).

Lengthy discussion ensued and several issues were debated. In particular, it was questioned how the Director of Inspectional Services had calculated the gross floor area of the building and its effect on the required number of parking spaces.

With the approved McDonald's site plan displayed, it was also pointed out that the McDonald's site plan shows two curb cuts on Rockdale Avenue which were approved because the bank property did not have any. If the bank property had a curb cut, the Planning Board might not have allowed two Rockdale Avenue curb cuts for McDonald's.

One Board member strongly made it known that the policy of the Planning Board is to encourage interconnections between properties and expressed a desire to maintain the interconnection between properties even if the bank property requested its own curb cut.

With many outstanding issues remaining to be addressed, it was determined that no action could be taken this evening. The Board requested that the Director of Inspectional Services be invited to attend the next Board meeting to explain his analysis of the gross floor area of the building.

At this time, Mr. Gioiosa requested a time extension on the Planning Board's deadline for action on the off-street parking plan.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted to approve the request for a time extension on the Planning Board's deadline for action on the off-street parking plan entitled "A & A Jewelers" from January 27, 2012 to March 1, 2012.

(5) Correspondence (cont.)

Letter from Community Preservation Committee dated December 21, 2011

Brief discussion ensued on the letter from the Community Preservation Committee which asks various Town Board's for their input on needs and recommended strategies for CPA funds in the coming year. It was noted that the date to comment had lapsed, however, the Board was in agreement with their goals and objectives as described in the letter.

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(6) Approval of Planning Board's meeting schedule through April

Discussion commenced on the proposed Planning Board meeting schedule through April. During this discussion, the Planning Aide made it known that she will be going out on a 6 week medical leave on February 21st returning the beginning of April. As a result, the Planning Board requested a letter be sent to David Cressman, the Executive Administrator, asking for clerical assistance in the Planning Office while she is away.

The Board agreed with the following meeting schedule:

Monday, January 23, 2012	-	Regular Meeting/Long Range Planning
Monday, January 30, 2012	-	SRPEDD Presentation with Select Board in Room #304, Select Board's Meeting Room
Monday, February 6, 2012	-	Regular Meeting/Long Range Planning
Monday, February 13, 2012	-	NONE
Monday, February 20, 2012	-	NONE – PRESIDENTS' DAY
Monday, February 27, 2012	-	Regular Meeting/Long Range Planning
Monday, March 5, 2012	-	NONE
Monday, March 12, 2012	-	Regular Meeting/Long Range Planning
Monday, March 19, 2012	-	NONE
Monday, March 26, 2012	-	Regular Meeting/Long Range Planning
Monday, April 2, 2012	-	NONE
Monday, April 9, 2012	-	Regular Meeting/Long Range Planning
Monday, April 16, 2012	-	NONE PATRIOTS' DAY
Monday, April 23, 2012	-	Regular Meeting/Long Range Planning
Monday, April 30, 2012	-	NONE

(7) Planner's Report

- **Master Plan Update**

The Planning Director reported that he spoke with Greg Barnes (Finance Director), about funding the \$10,000. for the Master Plan update. He said because of the amount, it would need to go before Capital Needs for funding in June. He noted that Mr. Barnes asked how the expenditure and update would benefit the Town. Mr. Perry said he had investigated whether grants relied on an updated plan and found out grants were not reliant, only the Commonwealth Capital Grants program did, which has been discontinued.

Concluding a brief discussion, the Planning Board decided to forego their request to fund the update of the Master Plan at this time.

- **Padanaram Restaurant**

The Planning Director briefed the Board on the restaurant in Padanaram being proposed by Jay Lanagan. He said the proposal will proceed with permitting an 82 seat restaurant which does not require a Special Permit

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from the Planning Board since the four parking spaces required for an 82 seat restaurant can be approved by the Director of Inspectional Services. Mr. Perry noted that once the project is permitted, the applicant may also apply for a Special Permit for a larger facility. He mentioned that Mr. Lanagan was concerned that the Special Permit from the Planning Board may require sidewalk improvements in front of his business. Board members confirmed they have a long history of requiring sidewalks in front of businesses.

- In another matter, Mr. Perry mentioned that Dave Cressman will be instituting a newsletter to residents highlighting different Town departments.

(8) For Your Information/New Business

- Reviewer's Meeting update

Mr. Perry said the only subject discussed at the Reviewer's Meeting was the restaurant being proposed by Jay Lanagan. He said Mr. Lanagan was present and it was a lengthy discussion.

- Subcommittee Reports

Mr. Toomey reported that both the TRG meeting and Soil Board meeting were postponed.

- Route 6 Corridor Study by SRPEDD

Brief discussion ensued on SRPEDD's Route 6 Corridor Study prepared for the Town of Dartmouth. The Planning Board will be attending a presentation at the Select Board's meeting scheduled on January 30, 2012.

- Board of Appeals decisions
- Planning staff timesheets

(9) Long Range Planning – Discussion of Dartmouth Street/Bliss Corner zoning

For the remainder of the meeting, discussion focused on the three sketch maps of the Dartmouth Street/Bliss Corner area prepared by the Planning Director. One showing the existing General Business zoning, and the other two showing options for the boundaries of the mixed use zoning district.

It was noted that the maps were very conceptual and prior to getting too specific on the zoning lines, the Board would seek input from the 350 lot owners who could be affected by the zoning change. One Board member noted that individual notification by the Planning Board on zoning changes is an exception to current procedure but felt this was important. However, it will not set a precedent on future zoning change notifications.

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At this time, the Chairman recognized John Douhan, 12 School Street, who asked to speak on the restaurant being proposed in Padanaram by Jay Lanagan in the former Packet. He voiced concern that the proposed use would become a nuisance being a pub style restaurant rather than an upscale restaurant.

Mr. Toomey noted that the next Planning Board meeting is scheduled for January 23, 2012, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mr. Haran, duly seconded by Mr. Sousa, and unanimously voted (5-0), to adjourn this evening's regular meeting at 10:02 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide