

MINUTES OF REGULAR PLANNING BOARD MEETING OF JANUARY 23, 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 7:03 p.m. with all Planning Board members and Planning staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of January 9, 2012

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 regular meeting of January 9, 2012 as written.

(2) Invoices

Joyce Couture dated January 7, 2012 for \$99.99
re: reimbursement for furnishing in Planning Office

W.B. Mason dated January 11, 2012 for \$86.10
re: miscellaneous office supplies

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

(3) Correspondence

Legal Notices from Conservation Commission
Letter from the Board of Health dated January 17, 2012

Brief discussion ensued on the letter from the Board of Health asking to meet with the Planning Board to discuss health impacts associated with commercial wind turbines. Staff would schedule an appointment with the Board of Health to meet with the Planning Board on its next agenda.

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

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

Deenah Pearl Division Road dated January 10, 2012

The Planning Director stated that this ANR plan is for property located on Division Road just north of Horseneck Road and across the street from Cross Road in Westport. It creates two non-buildable parcels from abutting lots to be conveyed to land owned by Deenah Pearl. He noted that the land from which the parcels are taken will still meet the zoning requirements and the ANR plan can be endorsed.

A motion was made by Mr. Haran, duly seconded by Mr. Sousa, and unanimously voted to endorse the Approval Not Required Plan of Deenah Pearl dated January 10, 2012 for property located on Division Road.

Appointment

(5) 7:05 P.M. – APPOINTMENT – Paul Murphy (Director of Inspectional Services): Discussion on calculation of parking spaces based on gross floor area

Present: Paul Murphy, Director of Inspectional Services

The Planning Director noted this appointment was scheduled with Mr. Murphy as a result of discussion at the last Planning Board meeting concerning a parking plan for the former NBIS bank on Rockdale Avenue in front of McDonalds. During that discussion, questions arose on how the gross floor area was determined and how it affects the required number of parking spaces.

Mr. Murphy commenced by stating that in his initial review, he first reads the applicable bylaw and tries to reasonably interpret it. He then makes calculations as the bylaw directs him to.

General discussion ensued with Mr. Murphy responding to several questions from Board members. The focus of the discussion was how Mr. Murphy calculated the gross floor area for a project currently before the Planning Board. There was dialogue with respect to the existing bank safe and vestibule.

In closing, Mr. Murphy stated that he is an agent of the Town and is always looking out for the best interest of the Town. When he has uncertainties about a bylaw, Mr. Murphy stated that he will confer with Mr. Perry for intent.

Board members thanked Mr. Murphy for attending this evening, offering praise and support on the fine job he has been doing since coming to Dartmouth. The Board also made it known to Mr. Murphy that if he comes across a Town bylaw that seems grey to interpret, please let Planning know so it can be clarified.

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Administrative Items

(6) For Your Information/New Business

- Letter from Roseanne O'Connell to Select Board dated January 9, 2012

With Ms. O'Connell present for this agenda item, the Chairman took this correspondence out of order for Board discussion. Ms. O'Connell, 252 Smith Neck Road, stated that she would like the Board to re-examine the Town's Wind Turbine Bylaws as it applies to residential districts. She said she is looking to submit a zoning amendment for Town Meeting.

The Planning Board suggested Ms. O'Connell arrange an appointment on the next Planning Board agenda to further discuss.

(7) Update on Planning Board's F/Y'2012 budget through December

A motion was made by Mr. Haran, duly seconded by Mrs. Miller, and unanimously voted (5-0) to acknowledge and file the update on the Planning Board's F/Y'2012 budget through December.

(8) Acknowledgement of Chapter 91 Waterways License Application for Peter Kavanaugh, 11 Star of the Sea Drive

A motion was made by Mr. Haran, duly seconded by Mr. Sousa, and unanimously voted (5-0) to forward the standard letter to DEP regarding this application.

(9) Approval of Planning Board's Annual Report for 2011

Brief discussion ensued on the draft Planning Board Annual Report for 2011 prepared by Planning Staff.

A motion was made by Mr. Haran, duly seconded by Mr. Sousa, and unanimously voted (5-0) to approve the Planning Board's Annual Report for 2011 as written:

PLANNING BOARD ANNUAL REPORT FOR 2011 PLANNING BOARD

Joseph E. Toomey, Jr. Chairman	Term Expires 2014
John P. Haran, Vice-Chairman	Term Expires 2015
Lorri-Ann Miller, Clerk	Term Expires 2016
John V. Sousa	Term Expires 2013
Joel Avila (appointed Nov. 2011)	Term Expires 2012
Arthur C. Larrivee (resigned Sept. 2011)	Term Expires 2012
Kathleen DelSordo, Alternate Member	Term Expires 2012

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PLANNING STAFF

Donald A. Perry, AICP
Joyce J. Couture

Planning Director
Planning Aide

OVERVIEW

The development statistics for subdivisions reviewed by the Planning Board in the year 2011 indicated an increase of new lots in Dartmouth for the year. The total number of new lots created in 2011 was 86, up from 39 in 2010. This total includes Definitive Subdivision lots and ANR lots. It does not include any 40B lots approved by the Board of Appeals.

The breakdown of the lots created in 2011 includes definitive subdivision lots which increased from 16 in 2010 to 78 in 2011, and ANR lots which decreased from 23 to 8. The total number of lots created in 2011 was the highest total in the last 5 years. With regard to commercial development, as represented by parking spaces reviewed, there was an increase from 101 in 2010 to 343 in 2011.

Several zoning bylaws were presented at Spring Town Meeting. Of particular interest, was the creation of a new zoning district, Single Residence C, for land located south of State Road and bounded by Reed and Beeden Roads. The adoption by Town Meeting of this new zoning district was the precursor to allow the creation of 57 lots for single family residential housing on the southern part of the former Lincoln Park off State Road. In addition, Spring Town Meeting voted favorably on a new zoning bylaw which provides standards and procedures for developing large-scale solar energy installations throughout the Town.

The Planning Board approved its first large scale project under the new Village Business District zoning which was adopted by Town Meeting in 2010. The granting of a Special Permit was for the redevelopment of property at 304 Elm Street to include a market, restaurant, and three apartments.

In an effort to encourage economic revitalization of Dartmouth's older business areas, the Planning Board began studying the zoning for Bliss Corner/Dartmouth Street. This General Business District has some of the same limitations as the old Padanaram zoning. The Planning Board is studying the possibility of mixed use zoning similar to the Village Business District for Bliss Corner/Dartmouth Street. After public input and discussions with the affected landowners, the Planning Board hopes to propose new zoning for 2012.

In late September, Arthur Larrivee resigned as a Planning Board member. Joe Avila, a former Planning Board member, was appointed during a joint meeting of the Select Board and Planning Board to fill the remainder of his term.

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In addition to their Planning Board duties, Board members served on behalf of the Planning Board in the following capacities: Lorri-Ann Miller served as the Planning Board's delegate to the SRPEDD Commission; John Haran served on the Charter Review Committee and on the Smart Growth Committee which has been reviewing the Chapter 40R "Village at Lincoln Park"; Joseph E. Toomey, Jr. served on the Soil Conservation Board and the Municipal Facilities Committee, John Sousa served on the Affordable Housing Partnership, the Community Preservation Committee, and the Community Development Group; and Arthur Larrivee served on the Technical Research Group and the Agricultural Preservation Trust Council. With the departure of Arthur Larrivee in the Fall of 2011, Joseph Toomey, Jr. agreed to serve on the Technical Research Group for Special Permits under the Select Board and Lorri-Ann Miller was asked to serve on the Agricultural Preservation Trust Council.

Former Planning Board member, Kathleen DelSordo, was reappointed to serve as alternate Planning Board member for Special Permits under the Planning Board. The alternate member is appointed by the Planning Board and is only requested to serve when a regular Planning Board member is unable to participate on a Special Permit application.

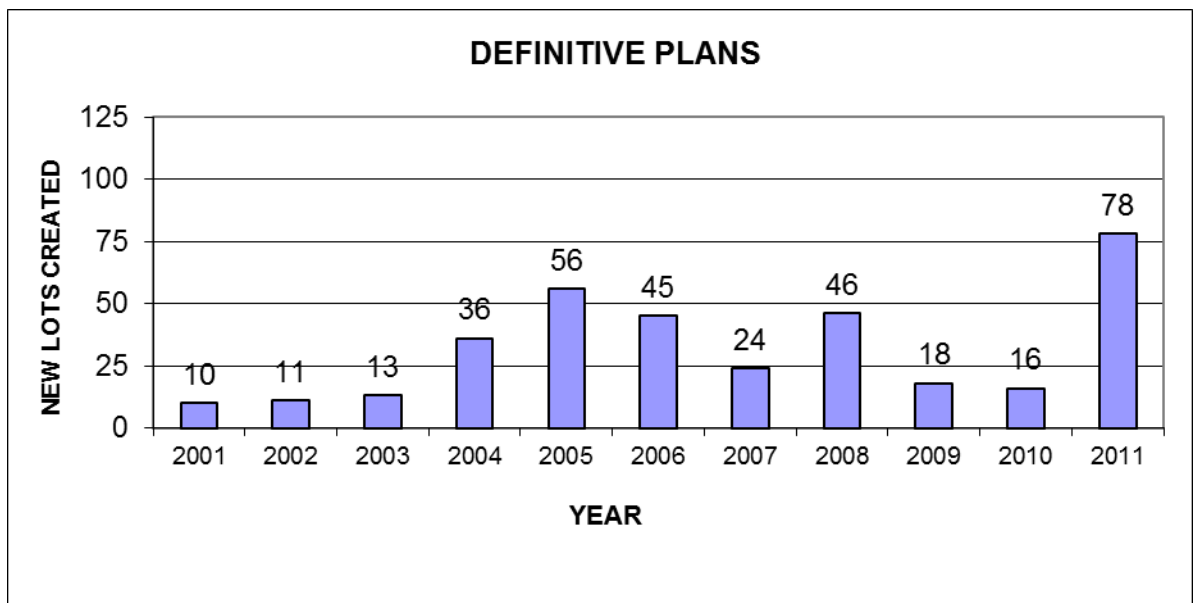
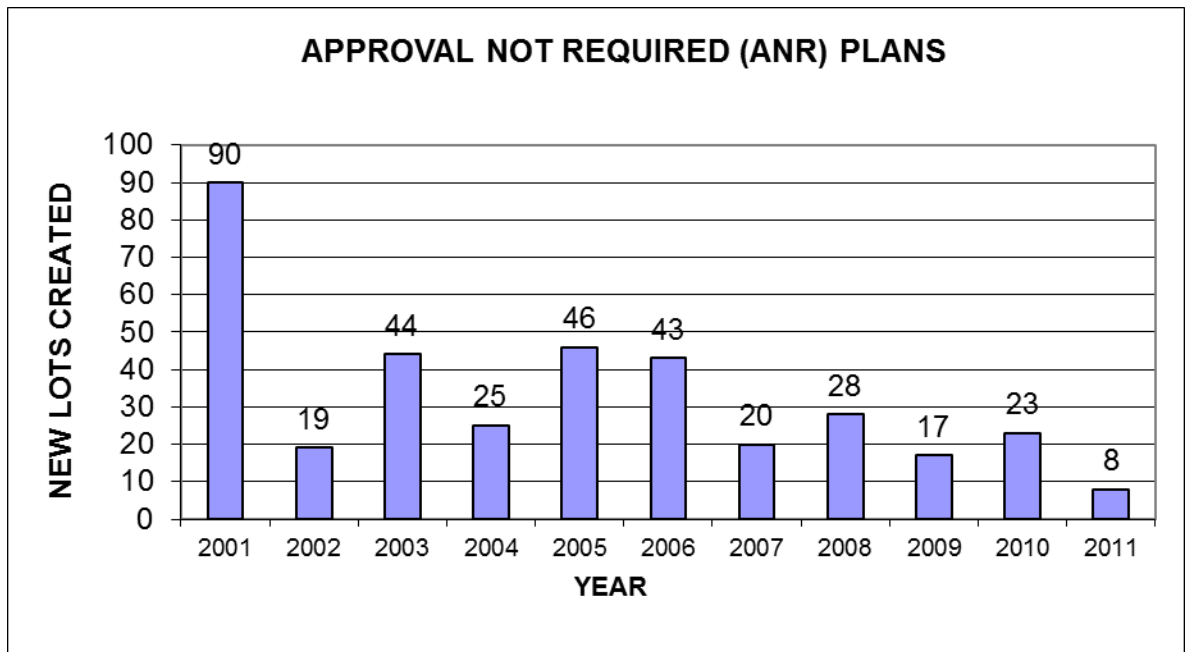
Throughout 2011, the Planning Board and/or its staff continued their reviews and activities in the following areas:

- * Reviewing subdivision plans and monitoring subdivision sureties;
- * Reviewing parking plans and special permit requests;
- * Reviewing variances submitted to the Board of Appeals;
- * Reviewing Conservation Commission Notices of Intent;
- * Preparing reports and recommendations to Town Meeting; and
- * Providing technical assistance and information to citizens, Town committees, and developers.

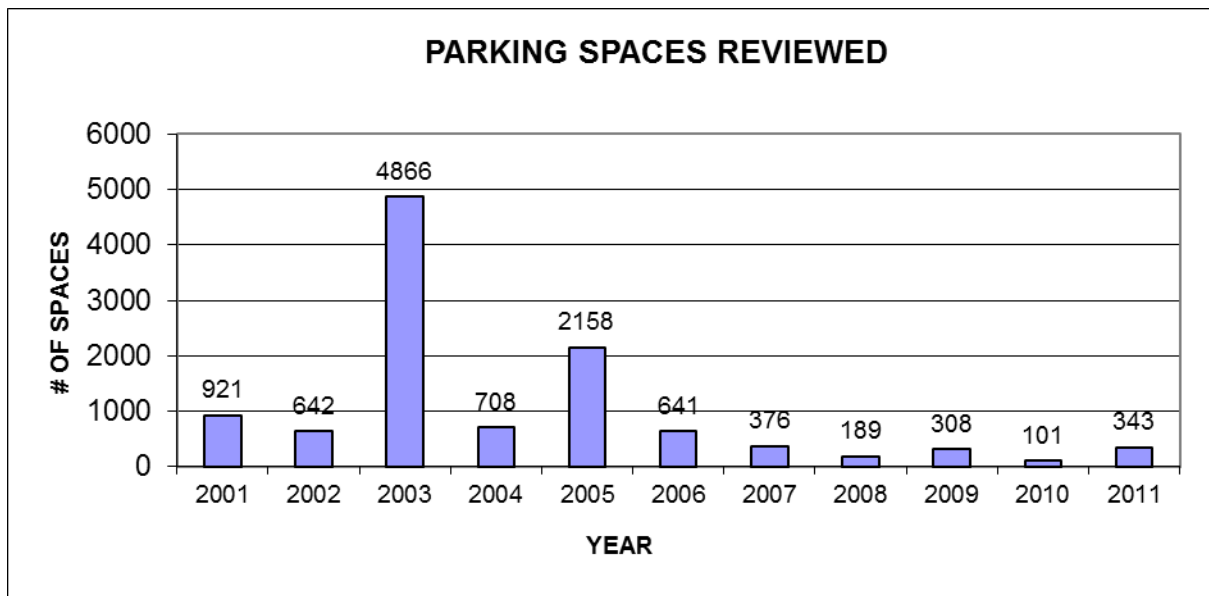
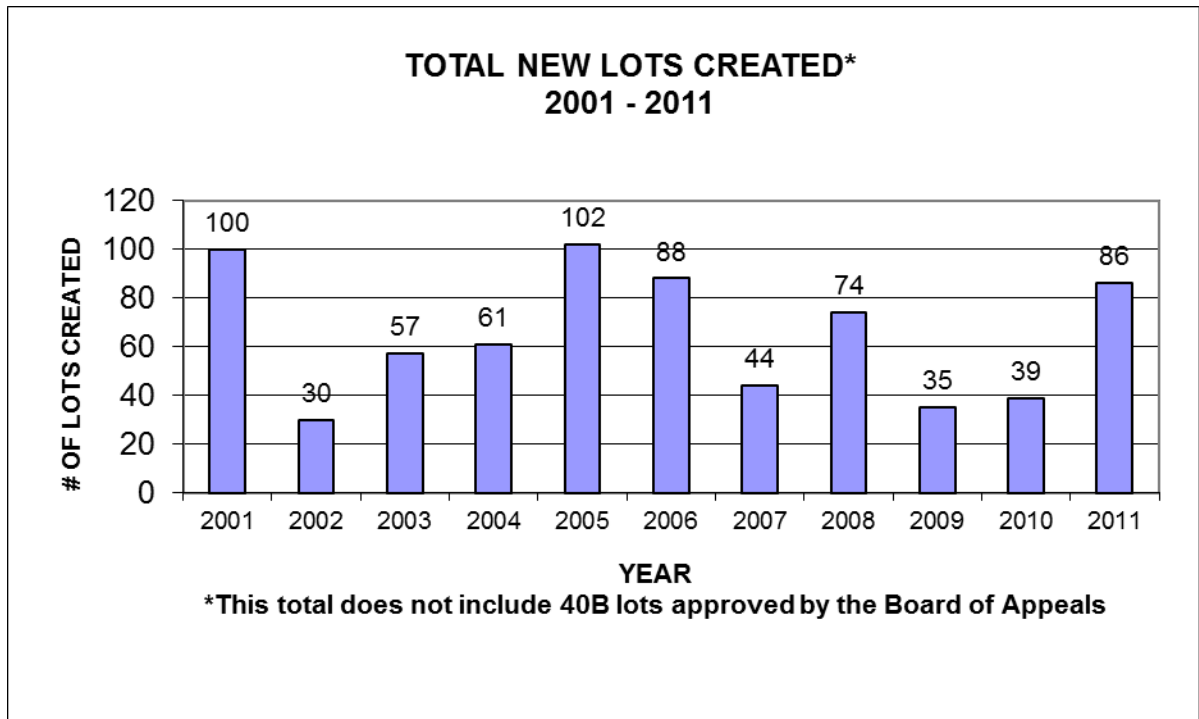
SUBDIVISION AND COMMERCIAL DEVELOPMENT

The data charts that follow compare the level of development reviewed by the Planning Board over the specified time period:

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(10) Approval of Planning Board's F/Y'2013 budget request

Brief discussion ensued on this year's level-funded budget submission.

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A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to approve the Planning Board's F/Y'2013 budget request.

(11) Department Head Classification Study

The Planning Director stated that as part of the unionization of Department Heads, a classification study was to be conducted. Mr. Perry said he has completed the questionnaire and the Planning Board must also signoff on it as his supervisor.

The Planning Board reviewed and critiqued the Planning Director's response on each question of the 12-page Position Analysis Questionnaire. Constructive revisions were made. During discussion the Board asked Mr. Perry to provide them with a copy of the recent union agreement sanctioned by the Town's department heads and the Town. Mr. Perry was also asked to check with David Cressman on how the Planning Board should be conducting his annual job evaluation.

Concluding, the Planning Board authorized the Chairman to sign off on the questionnaire after revision which is to be forwarded to the Select Board.

(12) Planner's Report

- MMA Annual Meeting

The Planning Director reported on his attendance at the Mass Municipal Association Annual Meeting in Boston. He discussed handouts for the Planning Board regarding seminars on distressed/nuisance properties and better subdivision road standards.

- Elm Street reconstruction meeting, Wednesday, February 15, 2012

Mr. Perry stated this meeting is being sponsored by the Department of Public Works to receive resident comment on the road standards for Elm Street, as well as type and location of sidewalks.

- Colonial Chrysler

The Planning Director informed the Board that a parking plan will be submitted soon for Colonial Chrysler which will be located at the former Barry's Volkswagen on State Road. All existing buildings will be torn down and a new building proposed.

- SRPEDD Presentation Reminder

The Planning Director reminded the Planning Board of the joint meeting with the Select Board next Monday, January 30, 2012 at 6:30 p.m. in the Select Board's meeting room to hear SRPEDD present its Route 6 Gateway Study.

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(13) For Your Information/New Business

- Reviewer's Meeting update

Mr. Perry stated that the Reviewers discussed Colonial Chrysler, updating the Assessor's Maps, sidewalks in Padanaram, and coordinating street names/addresses with the 911 system.

The Planning Director also commented that the Dartmouth Community Park Committee met to discuss the sculpture and landscaping.

Mr. Perry noted that he met with Town Officials to set dates for submission of zoning articles, holding the public hearings, and completing Reports with Recommendations on zoning articles.

- Subcommittee Reports

Mr. Toomey mentioned the Municipal Facilities Committee will be meeting this Wednesday, January 25, 2012 if anyone is interested.

Mr. Haran briefed the Planning Board on a renewable energy meeting he attended in Smithfield, RI.

- Letters to Board of Appeals from Planning Director
- Planning staff timesheets
- Memo from David Cressman re: Clerical Assistance in Planning Office

The Board was very pleased that Mr. Cressman has approved the Planning Board's request to let the clerical floater work 10 hours a week for the Planning Board during Ms. Couture's upcoming medical leave.

With no further business, the Chairman 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 10:17 p.m.

Respectfully submitted,
Joyce J. Couture
Planning Aide