

MINUTES OF REGULAR PLANNING BOARD MEETING OF JUNE 4, 2012
Planning Board's Meeting Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

Mr. Joel Avila, Chairman
Mr. Joseph E. Toomey, Jr., Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Stanley M. Mickelson

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 May 21, 2012

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of May 21, 2012 as written.

Public Hearing of May 21, 2012 Recission of Definitive Subdivision Plans “
“Dartmouth Heritage Industrial Park” Section 1 and Section 2

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson for discussion, and unanimously voted (5-0) to approve the minutes of the public hearing of May 21, 2012 “Recission of Definitive Subdivision Plans entitled Dartmouth Heritage Industrial Park Section 1 and Section 2 as written.

(2) Invoices

US Postal Service dated June 4, 2012 for \$95.00
re: postage stamps

A motion was made by Mr. Toomey, duly seconded by Mr. Sousa for discussion, and unanimously voted (5-0) to approve payment of the above referenced voucher for postage stamps dated June 4, 2012 for \$95.00.

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(3) Correspondence

Legal Notice from City of Fall River

Legal Notice from Dartmouth Conservation Commission

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

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

Lloyd Center for the Environment Potomska Road dated May 17, 2012

The Planning Director stated this ANR plan creates two very large lots (16 and 10 acres) with extensive frontage (900' and 1,000') on Potomska Road across from the Lloyd Center that will be restricted for conservation purposes. He pointed out the lots meet the zoning requirements for the Single Residence B zoning district and recommended the plan be endorsed.

A motion was made by Mr. Sousa, duly seconded by Mr. Toomey, and unanimously voted (5-0) to endorse the ANR plan for the Lloyd Center for the Environment dated May 17, 2012 for property located off Potomska Road.

(5) For Your Information/New Business

- Report with Recommendation to Town Meeting on street acceptance of Elise Lane, Nicole Way, and John Alden Lane

The Planning Director noted there are three streets being proposed for acceptance at Town Meeting: Elise Lane, Nicole Way, and John Alden Lane. He stated the streets are located in the John Alden Farm Subdivision and the Department of Public Works has reported that all required improvements have been completed and the Planning Board has released the surety.

Brief discussion ensued.

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson, and so voted (4-0-1) with Mr. Sousa abstaining, to forward the following recommendation to Spring Annual Town Meeting:

Planning Board Report with Recommendation concerning Article 11 Street Acceptances for Spring Annual Town Meeting of June 5, 2012

- Elise Lane, Nicole Way, John Alden Lane – These streets are located in the John Alden Farm Subdivision located off Allen Street and Tucker Lane. The Department of Public Works reports that all work has been completed in accordance with the approved plans. The Planning Board recommends favorably on the acceptance of Elise Lane, Nicole Way, and John Alden Lane.

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Appointments

(6) 7:05 P.M. – APPOINTMENT - Michael O’Reilly, Environmental Affairs Coordinator: Covenant modification for Paskamansett Park

Present: Michael O’Reilly, Environmental Affairs Coordinator

The Planning Director stated that Mr. O’Reilly is here this evening regarding a request for a covenant modification which relates to a pending purchase by the Town of Dartmouth for land along Russells Mills Road that has significant frontage on the Paskamansett River. He noted the Paskamansett River frontage land is part of an estate lot that had a covenant prohibiting further subdivision. Mr. Perry noted the owner of the estate lot received a variance to allow the estate lot to be subdivided with the provision the subdivided land be conveyed to the Town of Dartmouth to expand Paskamansett Park. He further pointed out the next step is to modify the covenant which the Planning Board will be voting on this evening, and the final step would be to endorse the ANR plan subdividing the estate lot to create the parcel for the park expansion.

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Toomey, and unanimously voted to approve the amendment to the Estate Lot Covenant recorded in the Bristol County (S.D.) Registry of Deeds, Book 62021, Page 140, Document Number 22638. The Planning Board amended Condition #3 of the Estate Lot Covenant to allow Estate Lot 1, shown on an ANR plan recorded at the Bristol County (S.D.) Registry of Deeds as Book 151, Page 89, to be subdivided in accordance with an ANR plan entitled “ANR Plan drawn for Town of Dartmouth” and dated February 1, 2011, which creates Lots 1-A and 1-B. The Planning Board agreed to amend the covenant based on a variance granted by the Dartmouth Board of Appeals, which is recorded in the Bristol County (S.D.) Registry of Deeds Book 10326, Page 285 and which modified a requirement of the Dartmouth Zoning By-laws Section 4B.411C, which prevented subdivision of Estate Lot 1.

(7) 7:15 P.M. – APPOINTMENT - Rick Ferreira, School Department: Administrative review of Quinn School parking lot improvements

Present: Rick Ferreira, Head of Maintenance
James Kiely, School Business Manager

The Planning Director noted this request is from the School Department to expand parking at the Quinn Elementary School. He mentioned parking spaces are proposed at the front of the building and near the former tennis courts. The existing jersey barriers will be removed and a curbed island provided instead.

Discussion ensued.

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A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the parking plan for the Quinn Elementary School to create additional parking spaces and modify access aisles. The plan was approved with the following conditions:

1. The curbing for the new median island shall be sloped granite. The surface of the island shall be stamped concrete. Planters spaced 10 feet apart shall be provided in the median.
2. The width of the fire lane paving shall not be wider than 18 feet.
3. The proposed paving south of the east parking lot must define a 20 foot wide access aisle and any parking spaces.
4. The exact number of existing marked parking spaces must be identified and the exact number of new marked spaces must be provided for the Town's record.
5. An "As-Built" plan will be provided to the Planning Board and Building Department.

Since no building permit is being requested, this approval is primarily to satisfy the requirement that no parking facility can be modified or enlarged without Planning Board approval.

Administrative Items

(8) Approval of Planning Board's meeting schedule thru August

This item was deferred until later in the evening at which time it was pointed out the schedule needed to be coordinated with the meeting timelines for the proposed solar farm bylaw. A revised schedule would be prepared for the next meeting.

(9) Amendment to Section 39.100B regarding Alternate Planning Board member

The Planning Director spoke on a proposed amendment to Section 39.100B of the Dartmouth Zoning Bylaws which would clarify certain language related to time constraints for the Planning Board to appoint an Alternate Planning Board member.

Discussion ensued.

A motion was made by Mr. Toomey, duly seconded by Mr. Sousa, and unanimously voted (5-0) to have the Planning Director revise the article and place it on the next meeting agenda for final approval.

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(10) 7:30 P.M. – APPOINTMENT - Karen Pecora, Manager for VF Outlet: Administrative review of Vanity Fair food vendor location in parking lot

Present: Karen Pecora, VF Outlet Store and Mall Manager

The Planning Director noted that Vanity Fair would like to designate an area in its parking lot for a food vendor. He noted the proposed location is in a corner of the parking lot that gets very little parking or traffic. Mr. Perry noted the proposed use of the 4 existing parking spaces will not take away from the minimum number of parking spaces required.

Brief discussion ensued. It was noted that there needs to be provisions for proper trash containment and leakage from the truck. It was also pointed out that the truck vendor area needed to be scaled on the plan equal to 4 parking spaces not 8 as shown.

A motion was made by Mr. Toomey, duly seconded by Mr. Sousa, and so voted (4-0-1) with Mrs. Miller abstaining, to approve the plan entitled “VF Outlet – Food Vendor in Parking Lot” for property located at 375 Faunce Corner Road and dated June 5, 2012. Said plan will allow a food vendor to occupy the 4 existing parking spaces, with the plan being revised to accurately represent 4 to scale parking spaces.

(11) 7:45 P.M. – APPOINTMENT - Attorney John Williams re: Amendment to an existing parking plan for a Kia car dealership on Faunce Corner Road

Present: Attorney John Williams, representing the Kia car dealership

Mr. Perry pointed out that this amendment was previously discussed at a prior Board meeting and the Planning Board did not vote on that night because of the applicant’s hesitation to provide the required connector road.

Attorney John Williams stated that his client has agreed to build the connector road and the plan has been revised accordingly.

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the amendment to the existing Saturn parking plan for a Kia dealership in accordance with the plan entitled “Automall Kia” dated December 6, 2011, with the following condition: “The landscaping in the new islands adjacent to the addition shall be approved by Planning Staff prior to issuance of the building permit”.

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Administrative Items

(12) Planner Report

- Burger King Reconstruction

The Planning Director briefed the Board on the possibility that Burger King may be tearing down the building and moving the drive-thru. Brief discussion ensued. Board members expressed concern as to whether this would affect the Tucker Road bypass project. The Board stated any improvements to that site will be at their risk.

(13) For Your Information/New Business

- Subcommittee Reports
- Planning staff timesheets

Mr. Toomey updated the Board members on a telephone conversation he had earlier in the day with a secretary in the Select Board's office. He said the new Town Moderator is tailoring her style for Town Meeting and the Chairman needs to coordinate with the Planning Director for the two articles sponsored by the Planning Board at Town Meeting. Mr. Avila confirmed that as Chairman he had been notified.

Mr. Toomey proceeded to update Board members on the Municipal Facilities Committee meeting he attended.

Directly, Mrs. Miller briefed the Board on the recent SRPEDD meeting she attended in which the State Gaming Commissioner spoke on casinos and associated fees for Indian tribes and private investors.

(14) Discussion of Solar Farm Bylaw

With a crowded meeting room of individuals interested in this evening's discussion concerning large scale solar farms in residential districts, the Planning Director commenced. Mr. Perry stated that he is looking for consensus from the Board on many important issues, and that guidance will dictate to him what path will be taken in developing the revised Solar Farm Bylaw for Fall Town Meeting. He mentioned the Board's packets contains numerous material provided by members of the Solar Advisory Committee and after some reflection he questions whether large scale solar projects should be allowed in residential districts by Special Permit or whether they should only be allowed in the industrial and commercial districts.

Each Board member voiced their viewpoint. Of particular concern, the Planning Board felt that it had represented to Town Meeting that they would come back in the Fall with a revised bylaw to allow by Special Permit large scale solar farms in residential districts and if the

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Board took any other course, it could be construed as a bait and switch. The consensus of the Board was that the bylaw should be revised to include a Special Permit that allows large scale solar farms in residential districts. Hence, the Planning Director proceeded to identify a number of issues that could be used to develop a Special Permit, each being discussed one by one and the Board providing guidance to develop the bylaw.

Some of the more significant issues discussed were:

- How should forest land and farm land be developed, if at all;
- Encourage development on landfills and brownfields;
- Develop better buffers and look at setbacks in industrial, as well as, residential districts;
- Involve more extensive review by other departments such as the Board of Health;
- Consider impacts to historic areas of the Town
- Address noise during construction;
- Long term monitoring of solar farm maintenance.

After a lengthy discussion, Planning Staff felt enough guidance was provided to draft the bylaw for the next Planning Board meeting. Planning Staff was directed to send a letter to Town Counsel making him aware that the draft bylaw is on a fast track to meet the Town Meeting timelines.

It was also noticed that the timeline dates for the Solar Farm Zoning Bylaw were out of sync with the proposed Planning Board meeting schedule. Consequently, Staff would prepare a new Planning Board meeting schedule for approval at the next meeting.

With no further business, a motion was made by Mrs. Miller, duly seconded by Mr. Toomey and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:14 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide