

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 17, 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 7:03 p.m. with all Planning Board members and Planning staff present.

(1) 7:00 P.M. – Invitation to attend SRPEDD presentation on updating the Town's Priority Development & Protection Areas Map (Select Board's meeting room #304)

Upon opening the Planning Board meeting, for those present, the Chairman announced that the Planning Board is reconvening its meeting to the Select Board's meeting room #304 to hear a presentation from SRPEDD on the update to Dartmouth's Priority Development and Protection Areas Map after which the Planning Board will continue its meeting in room #315.

In the Select Board's meeting room #304, Ms. Sandy Conaty (SRPEDD Comprehensive Planner) provided an overview of the Priority Development and Protection Area Map update. She noted that she is working with the Planning Director, Donald Perry; the Director of Development, Deborah Melino-Wender; and the Environmental Affairs Coordinator, Michael O'Reilly, looking at the data to see if any changes need to be done prior to a public workshop. The Planning Board will be invited to participate in the development of the map.

General discussion ensued.

At this time being 7:37 p.m., the Planning Board left the Select Board's meeting room and returned to meeting room #315 for the remainder of the meeting.

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 3, 2012

Public Hearing

- (2) **7:30 P.M. – PUBLIC HEARING - Definitive Subdivision Plan entitled “Hixville Estates” which proposes to create 2 lots from a 93.4 acre tract of land owned by Mary Robinson, 383 Hixville Road, Dartmouth, MA 02747 and located on the north side of Hixville Road at the powerlines**

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:37 p.m. in order to go into a public hearing¹ concerning a Definitive Subdivision Plan entitled “Hixville Estates”.

The regular meeting resumed at 8:28 p.m.

Administrative Items

- (3) **Initial review of Definitive Subdivision Plan entitled “Hixville Estates”**

Since this evening’s public hearing on the “Hixville Estates” Definitive Subdivision Plan was continued until January 28, 2013, this administrative item was deferred.

- (4) **Approval of Minutes**

Regular Meeting of December 3, 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 December 3, 2012 as written.

- (5) **Invoices**

MA Municipal Association dated December 17, 2011 for \$150.00
re: registration fee for 2013 Annual Meeting & Trade Show

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to approve the voucher for MA Municipal Association dated December 17, 2012 in the amount of \$150.00.

- (6) **Correspondence**

Legal Notices from City of New Bedford
Legal Notices from City of Fall River
Legal Notices from Dartmouth Conservation Commission

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

¹ For more information, see minutes of Planning Board’s Public Hearing of Dec. 17, 2012 “Hixville Estates”

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 3, 2012

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

John Pimental, Sr. Old Fall River Road dated October 29, 2012

The Planning Director stated that this plan is for property located on the south side of Old Fall River Road, east of Faunce Corner Road. No new lots are created. He noted the plan does create a parcel of land to be conveyed to an adjoining lot. The conveyance will result in the adjoining lot meeting the minimum frontage and area requirements of the Limited Industrial District. Mr. Perry mentioned the remaining lot still complies with zoning.

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to endorse the ANR plan for John Pimental, Sr. dated October 29, 2012 for property located off Old Fall River Road.

David & Leslie McKinley Horseneck Road dated August 27, 2012

The Planning Director stated this plan does not create any new buildable lots, but creates a number of parcels being exchanged between two existing built upon lots. Mr. Perry noted action on this plan was delayed at a previous meeting until the amended covenant was received. He stated it has been received and therefore the plan can be endorsed.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to endorse the ANR plan for David & Leslie McKinley dated August 27, 2012 for property located off Horseneck Road.

Peter & Nancy Spindler Rock O'Dundee Road dated December 8, 2012

The Planning Director stated this plan is for property located on the south side of Rock O'Dundee Road and west of Gaffney Road. It is a conveyance plan where a saltmarsh parcel will be conveyed to DNRT. No new buildable lots are created and the remaining land still meets the frontage and area requirements of the Single Residence B zoning district.

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to endorse the ANR plan for Peter & Nancy Spindler dated December 8, 2012 for property located off Rock O'Dundee Road.

(8) Release of lot in the Definitive Subdivision Plan entitled "Houle Estates"

The Planning Director stated that the Department of Public Works has confirmed that the developer has completed all the required improvements in the Houle Estates Subdivision. He said the Planning Board can vote to release the lot.

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 3, 2012

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to release lot 54 in the Houle Estates Subdivision.

(9) Release of lot in the Definitive Subdivision Plan entitled “Rhody Estates”

The Planning Director stated Rhody Estates is a three lot subdivision off High Street. Part of the subdivision was an existing house on High Street. The buyer of the house would also like to buy one of the abutting lots in the subdivision. This request is to release the abutting lot from the existing covenant which prohibits the sale and also place a new covenant on the property with a restriction stating that the lot must remain with the house lot and not be separately buildable until the construction of ways and subdivision improvements have been completed in accordance with condition #3 of the existing covenant.

Attorney Marc Deshaies, representing Deborah Cannon (Trustee of David Blumen Revocable Trust), responded to several questions and concerns raised by Planning Board members.

General discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to release lot 18 in the Rhody Estates Subdivision in accordance with the amended covenant.

(10) Appointment of Alternate Planning Board member

The Planning Director noted that an announcement for an Alternate Planning Board member was placed in The Chronicle and posted on the Town’s website. Mr. Perry stated that Gus Raposo, a private engineering consultant, who previously worked for VHB Engineering has shown interest in the position. Mr. Perry mentioned that the Planning Board has worked with Mr. Raposo in the past and he would be an excellent choice.

Several Board members agreed.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to appoint Gustavo Raposo as the Planning Board’s Alternate Member for Special Permits.

(11) Planner’s Report

- Repetitive Petition for Solar Farm on Fisher Road

The Planning Director reported on a Repetitive Petition which will be before the Planning Board at its next meeting scheduled on January 7th. The hearing concerns a request by No Fossil Fuel to go back to the Board of Appeals before two years have elapsed from the date of action by the Board of Appeals. Brief discussion ensued.

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 3, 2012

Mr. Sousa stated that he is a direct abutter of this proposal and will need to recuse himself. Planning Staff will contact Mr. Raposo, the newly appointed Alternate Planning Board member, and ask if he can sit.

- Commuter Rail Task Force Meeting

The Planning Director briefed the Board on the recent Commuter Rail Task Force meeting he attended. He stated that it was brought up that South Station will be the subject of an expansion study, especially since trains from New Bedford and Fall River will be arriving there. He also mentioned the Governor's "Compact Neighborhoods" Initiative which will provide incentives to encourage apartment zoning. The Governor's Housing Policy Initiative has targeted a goal of 10,000 multifamily units a year.

(12) Discussion on Planning Board's Long Range Priority List

Discussion ensued on the recurring list of long range planning projects from which the Planning Board annually prioritizes. The list consisted of past projects and some newly identified planning projects. Each Board member expressed their opinion.

After some discussion on prioritizing this year's list of long range planning projects, the Planning Board identified the following as their top three choices for the coming year: Bliss Corner/Dartmouth Street Mixed Use Zoning, update the General Business Sign Bylaws, and create a new Site Plan Review Bylaw.

(13) For Your Information/New Business

- Regional fiber optic network route map
- Public hearing notice on rescission of Definitive Plan entitled "White Tail Run"
- Public hearing notice on Repetitive Petition for Fisher Road Solar Farm
- Subcommittee Reports
- Board of Appeals decisions
- Planning staff timesheets

(14) Proposed Ballot Question for Large Scale Solar Energy Installations

The Chairman stated that as a result of comments made at last week's joint meeting with the Planning Board and Select Board, he has prepared a draft ballot question regarding large scale solar farms in residential districts. Mr. Avila thought the Planning Board may want to discuss the proposed wording stating he tried to be factual, simple and fair.

Discussion ensued.

It was the consensus of the Board that the ballot question should be as neutral as possible and any education of the public about capacity or impacts would be through other means.

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 3, 2012

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to submit the following draft ballot language to the Select Board for their comment:

Shall the Town of Dartmouth allow Large-Scale Solar Energy Installations in residential districts by special permit, as summarized below?

Dartmouth's zoning by-laws currently allow Large-Scale Solar Energy Installations (ground-mounted solar energy arrays with a capacity of 250kW or greater) in commercial and industrial zoning districts, and allow solar energy installations with a capacity of less than 250kW in residential zoning districts.

A vote of YES expresses support for amending Dartmouth's zoning by-laws to allow Large-Scale Solar Energy Installations to be developed in residential zoning districts.

A vote of NO expresses support for maintaining the current 250kW maximum size restriction in residential zoning districts.

With no further business, a motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:37 p.m.

Respectfully submitted,
Joyce J. Couture
Planning Aide