

MINUTES OF REGULAR PLANNING BOARD MEETING DECEMBER 16, 2013
Planning Board's Meeting Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

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

Planning Staff

Mr. Donald A. Perry, Planning Director
Ms. Jane Kirby, Planning Aide

DARTMOUTH TOWN CLERK
1/7/14 @ 10:32 AM
RECEIVED

The Chairman called the meeting to order at 7:00 p.m. with all Planning Board members and Planning staff present. Joseph Toomey arrived at 7:03 p.m. and was absent for the first three votes.

Administrative Items

(1) Approval of Minutes

Regular Meeting of December 2, 2013

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa for discussion, and voted (4 yes; 1 absent) to approve the minutes of the regular meeting of December 2, 2013

(2) Correspondence

Legal Notices from Dartmouth Board of Appeals
Legal Notices from Dartmouth Conservation Commission
Legal Notices from Town of Westport
Legal Notices from City of New Bedford
Legal Notices from City of Fall River

A motion was made by John Sousa, duly seconded by Stanley Mickelson for discussion, and voted (4 yes; 1 absent) to acknowledge and file the above referenced correspondence.

(3) Integrity Lane – Release of Lots Request

Donald Perry, Planning Director, explained that a letter was received from the DPW confirming that all construction has been completed and as-built plans have been submitted and approved. Mr. Perry explained that the developer is now seeking to release Lots 1, 2, and 3 from the Performance Covenant.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and voted (4 yes; 1 absent) to release Lots 1, 2, and 3 for the Integrity Lane Subdivision from the Performance Covenant.

Appointment

- (4) **7:05 P.M. Anthony Savastano, Esq. (Town Counsel)**
Executive Session pursuant to M.G.L. Chapter 30A, §21
RE: South Wharf Litigation

Attorney Savastano was unable to attend this meeting.

The Board proceeded to agenda item 9 at this time.

Administrative

- (9) **Request to Amend Signs – BayCoast Bank – 299 State Road**

Present: Robert J. Shaker, President – PACE Project Management, Inc.

The Planning Director noted that the bank would like to provide additional on-site directional signs with the bank's logo, and that since this is a change from the signs shown on the Planning Board's approved parking plan, the submitted revised plan is being proposed for approval.

Mr. Shaker proceeded to give sign dimensions and details, stating the directional signs will minimize confusion and provide safer traffic flow.

Lorri-Ann Miller motioned to approve the submitted revised plan, which was duly seconded by Stanley Mickelson for discussion.

One Board member expressed concern with sign pollution on this small lot, and felt that directional signs with logos on it would set a bad precedent and was unnecessary.

Board discussion ensued, with the general consensus being that the submitted sign plan could be improved by eliminating unnecessary directional signs, such as the entrance/exit signs.

Lorri-Ann Miller and Stanley Mickelson withdrew their motion to approve the submitted plan.

Mr. Shaker agreed to work with the Planning Director to reduce the total number of proposed signs.

Appointments

(5) 7:20 P.M. Peter Rochford

RE: Village at Cedar Dell

One Year Extension Request for Completion of the Road

The Planning Director stated that the developer would like to extend the deadline for completing the road improvements in the Village at Cedar Dell Subdivision located off Fisher Road, with the current deadline being 1/25/14. The developer would like to extend it to 1/25/15.

The Planning Director felt that the deadline should be extended since pulling the posted bond and the Town completing the road would take almost as much time as an extension. He explained that the road will likely not be completed until spring, and not necessarily in time for Spring Town Meeting. He noted that any damage to the road between completion and Fall Town Meeting would curtail any favorable Town Meeting acceptance. He suggested that if the deadline were extended, the developer should agree to pay for plowing the road through the winters until the road is accepted.

The Planning Board was made aware that a homeowner who had previously opposed the extension would agree with the extension now if snow plowing were paid for by the developer until the road was accepted by the Town.

The Board expressed sympathy for the current homeowners in the subdivision that have been without mail delivery, snow plowing, and trash removal for 4 +/- years, and advised the developer that any further extension requests would not be received favorably.

One Board member suggested that the extension date be set for July 20, 2015 rather than January 25, 2015, which would allow time to meet the street acceptance deadline. The Board agreed with this suggestion. The Board also determined that this extension should be conditioned so that the developer would be responsible to keep the road plowed, and not the current homeowners.

Mr. Rochford stated that it is in his best interest to keep the road clear to sell lots and homes in the subdivision.

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and unanimously voted (5-0) to grant the extension request to July 20, 2015 conditioned upon the developer being responsible for road plowing.

This appointment concluded at 7:40 P.M.

(6) 7:40 P.M. Daniel C. Perry, Esq.

RE: Rhody Estates

Request to Amend Definitive Subdivision Plan

The Planning Director referenced the submitted letter explaining the amendment

request, which basically asks that a driveway, which was going to be relocated, remain where it is. He further explained that the question before the Planning Board is whether the modification is minor enough to be handled by vote of the Planning Board administratively, or if a public hearing will be required. He noted that the change does not involve the subdivision road or subdivision improvements, and that the driveway relocation was not a condition of the Planning Board's subdivision approval, but was shown on the street and utilities plan.

Attorney Perry reviewed the history and details pertaining to this subdivision, concluding that the Planning Board would not be required to go through the formal process of amendment to permit the existing driveway to remain where it is, and could approve the plan administratively, as explained in his submitted letter.

Lengthy Board discussion ensued as to whether or not a public hearing would be required. Chairman Avila determined that the amendment should be handled through the public hearing process, and Joseph Toomey agreed. Mr. Toomey felt that the driveway relocation was a safer design and wanted to hear from the public.

Attorney Perry argued that the amendment could be handled administratively because the driveway detail shown on the plan does not relate to the location and width of the way shown on the plan, but rather is a detail of the improvement of an individual lot. (Chapter 41, §81O)

At this time the Board was ready to vote.

John Sousa motioned to approve the change to the street and utilities plan notation, which would allow the driveway to remain where it is. This motion was duly seconded by Lorri-Ann Miller, and voted (3 yes; 2 opposed) to allow the amendment request.

This appointment concluded at 8:00 p.m.

Administrative Items

(7) Clarendon Estates – Release of Lots Request

Present: Matthew Antonio, Manager – Palmer River Development Co., LLC

The Planning Director explained that Mr. Antonio is seeking to have Lot 3 released from the Performance Covenant in exchange for Lot 1. Lot 1 was previously released, but the developer found a buyer for Lot 3 and would place Lot 1 back under the Performance Covenant if the Board allowed. Mr. Perry noted that Lot 9 easement language still requires Town Counsel's approval at this time and is unable to be released.

Mr. Antonio stated that many of the subdivision improvements have been completed since bond was posted and that all that is left is a finish coat of asphalt and sidewalks. He preferred to finish the asphalt and sidewalk in the spring

Mr. Perry informed the applicant that he could request a surety reduction.

A motion was made by John Sousa to release Lot 3 from the Performance Covenant in exchange for Lot 1, duly seconded by Lorri-Ann Miller and unanimously voted (5-0) to allow the requested lot release.

(8) 365 Faunce Corner Road – Revised Parking Plan Approval

Present: Roland Valois

The Planning Director noted that at the last meeting, the Planning Board approved an off-street parking plan for this site (Roland Valois/Adult Day Care Facility). He noted that Paul Murphy, Director of Inspectional Services and Zoning Enforcement Officer, confirmed that variances would be needed for the approved plan, and supported the Planning Board's findings regarding Section 16 approvals. Mr. Perry explained that as a result, Mr. Valois has amended the plan by leaving the existing shed parking spaces, and submitted the amended plan, which only shows changes to the rear of the building already approved by the Planning Board. With this amended plan, no variances would be required, and a building permit could be obtained for the Adult Day Care Use.

A motion was made by John Sousa to approve the revised parking plan, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0).

(10) For Your Information/New Business*

- Planner's Report
 - SRPEDD Municipal Assistance/Sign Bylaw

The Planning Director spoke with Sandy Conaty at SRPEDD about the status of the Municipal Assistance/Sign Bylaw. She related that no one has been assigned yet, but in her review of the Town's bylaw she did note glaring issues regarding "content neutral" sign regulations that will need to be addressed.

- Atkins O.S.R.D. Subdivision

An OSRD subdivision will soon be submitted for land off of Little River Road preserving 50 acres of open space with only two new house lots. Planning Staff will schedule the public hearing when all Planning Board members are present since the Special Permit would require a super-majority vote.

- Subcommittee Reports
- Board of Appeals decisions
- Planning Director's review for Board of Appeals
- Planning staff timesheets

8:20 P.M. The Planning Board recessed at this time

8:25 P.M. The Planning Board meeting resumed

(11) Long Range Planning – Discussion of Bliss Corner Mixed Use Zoning

The Planning Director reviewed average residential lot sizes and average residential density for a lot area of 5,000 s.f. for each residential unit. He also reviewed the total number of existing lots in the proposed Mixed Use District with less than 5,000 s.f. of area (total of 8 non-conforming lots).

The Board questioned how many lots would be non-conforming with a 7,500 s.f. lot area minimum (total of 25 non-conforming lots).

The pros and cons of a 5,000 s.f. lot area minimum were discussed at length, with the Board unable to reach a consensus at this time.

The Board asked the Planning Director to do a residential build out analysis for the next Board meeting, and also cite some examples.

Concluding discussion, Chairman Avila asked if there was any other business this evening. There was none. Mr. Avila noted that the next Planning Board meeting is scheduled for January 6, 2014, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by John Sousa, seconded by Stanley Mickelson, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:03 p.m.

Respectfully submitted,
Jane Kirby, Planning Aide

APPROVED BY:
The Dartmouth Planning Board


