



MINUTES OF REGULAR PLANNING BOARD MEETING
June 2, 2014 – 7:00 P.M.
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. Kevin A. Melo

Planning Staff

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

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DARTMOUTH TOWN CLERK

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 19, 2014
Public Hearing Minutes dated May 19, 2014
"Request for Permission to Remove Trees on Hixville Road"

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the above-referenced Planning Board minutes.

(2) Correspondence

Legal Notices from Dartmouth Board of Appeals
Legal Notices from Dartmouth Conservation Commission
Legal Notices from Town of Westport
Legal Notices from town of Freetown

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to acknowledge and file the above-referenced correspondence.

(3) Release of Lots in Clarendon Estates

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

Donald Perry, Planning Director, stated that the developer is seeking to have Lots 1 & 2 released from the Performance Covenant so that building permits can be issued to allow construction on both lots. Mr. Perry noted that the Town has received a Letter of Credit from this developer to ensure the completion of the road and infrastructure for the subdivision.



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After a brief discussion, the Board determined that \$268,005.00 is adequate to complete the road and infrastructure, and that amount should not be reduced with this request. The Board also determined that building permits may be issued for Lots 1 & 2, but Certificates of Occupancy should be withheld until the road and remaining subdivision improvements have been completed.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and voted (5-0) to release Lots 1 & 2 to allow the issuance of building permits only, with the condition that a Covenant similar in content to one formally used with this subdivision, where the developer agrees not to occupy or rent the premises, shall be submitted to the Planning Board prior to the issuance of a building permit.

- (4) Meeting with Gloria Bancroft and Michelle Keith**
From SouthCoast Alliance for a Cleaner Tomorrow (ScACT)
RE: Proposed Zoning Bylaw to Regulate Fill (Comm97 Soils) in Dartmouth

Donald Perry, Planning Director, explained that Gloria Bancroft wrote a letter on behalf of SouthCoast Alliance for a Cleaner Tomorrow (ScACT) requesting this appointment to discuss the creation of an Earth Filling Bylaw for presentation at October 2014 Town Meeting. He stated that he had spoken with Town Counsel prior to this meeting and requested the Board's authorization to work on an Earth Fill Bylaw with ScACT members, Town Counsel, and the Board of Health.

Gloria Bancroft shared some history with the Board and explained that the group (ScACT) has been studying the current proposal to cap the Cecil Smith Landfill since October 2012. She noted that one important fact learned is that communities with such properties are susceptible to having the MASS DEP force a variety of contaminated soils upon their communities as a means of "shaping and grading" materials used in capping and closure projects. She explained that the group contacted Attorney Art Kreiger of Boston, who was hired as a special counsel for the Town of Swansea, who forwarded the Earth Filling Bylaw to her and that since then; the group was advised that the best way to protect Dartmouth would be through developing an Earth Filling Zoning Bylaw.

The Board discussed the Earth Filling Bylaw for the Town of Swansea, which was submitted as an example. Also discussed was the role of a Soils Board, which deals primarily with soil removal issues and not earth filling. Conversation ensued in terms of why a zoning bylaw would be the best way to regulate earth filling rather than through Board of Health or Soils Board regulations, and thought Town Counsel could help clarify.

The Board expressed some concerns. One member wanted to ensure that the general public will not need permitting for development or earth work on their own



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property. Another member wondered which Board would be the Permit Granting Authority if a Special Permit for Earth Filling is required and various potential regulations were discussed. Regulating fill and enforcing the bylaw were also raised as concerns.

Discussion ensued in terms of authorizing the Planning Director to develop the bylaw independently with the appropriate people, which would allow the Planning Board time to continue its focus on the Bliss Corner Mixed Use Zoning Bylaw. The Board will review the bylaw after the policy and bylaw language is drafted and will hold a public hearing when it is finalized.

The Board requested that Town Counsel be invited to the next meeting to discuss the proposed zoning bylaw to regulate fill in Dartmouth to ensure that the Planning Director would have a clear understanding of which direction the bylaw should go in.

Lorri-Ann Miller motioned to authorize the Planning Director to develop an Earth Filling Bylaw with the appropriate people and to keep the Board updated, which was seconded by Joseph Toomey, and unanimously voted (5-0).

(5) For Your Information/New Business

Planner's Report

- Fays Restaurant Parking Lot

The Planning Director explained that Fays restaurant is interested in adding outdoor seating and landscaping, but that there is inadequate parking for seating. He saw this as a potential opportunity to improve the existing site layout but noted that talks are preliminary and the restaurant may not pursue it at all.

- Subdivision Regulations Update

The Planning Director reviewed a summary of amendments to subdivision regulations that the Board wanted to work on.

1. Correct lane inconsistencies (serving 2 or 6 lots?)
2. Recognize that a public hearing is required for a modification or a rescission of an approved subdivision plan.
3. Recognize that non-buildable parcels can be created through the ANR process.



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4. Provide street acceptance language suggested by Town Counsel.
5. Develop a standard pedestrian/bicycle easement.

Planning Staff will draft the above changes and get them to the Planning Board for the next meeting.

Subcommittee Report

Joseph Toomey stated that the Soils Board supports an Earth Filling Bylaw and may co-sponsor if one is developed.

(6) Review of Planning Board Long range Planning Priority List

The Planning Director submitted an updated priority list for Board discussion.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to approve the following priority list of the Board's long range goals.

Planning Board Long Range Planning Projects Priority List

Note: Only the top 3 items are ranked by priority.
All other items are listed in random order.

- 1 Bliss Corner/Dartmouth Street Mixed Use Zoning
- 2 Update General Business Sign Bylaws
 - a. Temporary Signs
 - b. Permanent Signs
- 3 Create new Site Plan Review Bylaw
- ___ State Road Mixed Use Zoning
- ___ State Road Gateway Zoning
- ___ Update Business, Industrial, and Office Park Zoning
- ___ Develop affordable housing bylaws & review density standards to promote affordable housing
- ___ Agricultural and scenic area zoning



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- Expedited Permitting
- Review Village Business District boundaries
- Residential dwelling bulk and scale
- Town wide watershed protection
- Big Box Regulation
- Archeological resource protection overlay
- Phased Development
- Planning for projects of regional impact (casino, rail, airport)

(7) Long Range Planning – Bliss Corner/Dartmouth Street Mixed Use Zoning

The Planning Board reviewed the revised draft bylaw and Restaurant Parking Analysis submitted for Board review and outlined the revisions.

- The purpose has been modified slightly to reflect a pro-small business orientation, with less emphasis on high density residential
- Single and two family homes were deleted as a use
- Stand-alone apartments were deleted and only business apartments allowed.
- The restaurant exemption for no parking required would be 16 seats
- The normal restaurant parking standard for over 20 seats is 1 parking space per 3 seats
- Architectural review starts at 1,500 s.f.
- The retail exemption for no parking is 1,500 s.f.

The Board discussed the revisions in detail and confirmed the changes. Staff will finalize the changes and send the final draft out to zoning reviewers for input prior to holding a public hearing.



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Chairman Avila noted the next Planning Board meeting is scheduled for June 16, 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, duly seconded by Joseph Toomey, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:00 p.m.

Respectfully submitted,

Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board



