



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

RECEIVED  
2014 AUG 5 AM 10 06  
DARTMOUTH TOWN CLERK

**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

The Chairman called the meeting to order at 6:15 p.m., with all Planning Board members and Planning Staff present.

**Administrative Items**

- (1) Approval of Minutes**  
Regular Meeting of June 30, 2014

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey for discussion, and unanimously voted (5-0) to approve the regular Planning Board meeting minutes of June 30, 2014.

- (2) Invoices**  
WB Mason \$100.49

A motion was made by Kevin Melo, duly seconded by Joseph Toomey for discussion, and unanimously voted (5-0) to approve the above-referenced invoice.

- (3) Correspondence**  
Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission  
Legal Notices from City of Fall River

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

Chairman Avila took the next agenda item out of order to allow time for Board discussion.



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

**(5) Proposed Realignment of Land Use/Development Services Functions**

The Select Board invited the Planning Board and Board of Health to a joint meeting to discuss locating permitting offices in close proximity. Planning Staff was asked to prepare comments for this discussion.

Donald Perry, Planning Director, stated that it is important to note that the concept of locating development permitting offices in close proximity is a good idea, but to be effective, the Building Department must be on the same floor as Planning, Board of Appeals, Conservation, Board of Health, and Development. He stated that relocating the other offices without the Building Department will not benefit the public, since the Building Department is typically the first point of contact for all construction projects.

Chairman Avila mentioned that he spoke with David Cressman, Town Administrator, and asked why the building department wasn't included, and was told that it is structurally difficult to move the building department due to their filing system. Discussion ensued in terms of whether or not the development departments could be located on the second floor with the Building Department.

Mr. Perry further explained that cross-training sounds good but could be injurious if the public is given wrong advice, since each Board has highly technical statutes that must be adhered to that are unique to each Board.

Mr. Perry felt that general greeting and direction could be obtained with cross-training, but learning the specific statutes and rules governing each individual Board would require long-term staff. He explained that high staff turnover would create difficulties in the cross-training effort, since long training periods are required to learn each individual position.

Board discussion ensued and various concerns were raised. The general consensus of the Board was that the material was received too late to be able to adequately address the proposal with the Select Board tonight. (Proposals outlined in Memorandum dated July 9, 2014 from David Cressman, Town Administrator, with the two-page attachment dated 7/3/2014 and entitled: "Costs/Benefits of Proposed Realignment of Land Use/Development Services Functions", which lists the Select Board's Issues, Objectives, and Proposals.)

Chairman Avila summarized the Board's comments and concerns:

- Relocation of Town offices
  - Conceptually a good idea
  - Is it practical as proposed?
  - Will the exclusion of the Building Department defeat the purpose of the move?
  - How much will it cost?



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

- Staffing
  - There are no redundant positions in the Planning Board office (currently understaffed)
  - Further staff reductions lead the risk that the Town will not be able to meet its legal obligations
  - Balancing a \$75M budget on the backs of a handful of Town employees is unfair, impractical, and ineffective
  - Has the Town of Dartmouth been bench-marked with municipalities of the same size to compare staffing for land use functions?
- Reorganization of land use functions
  - The Select Board is proposing to control Planning Staff by having Planning Staff report to a Community Development Department Head
  - Planning Board needs control of its own staff to be responsive to the public
  - This a variation of the proposal recently rejected by Town Meeting
- Computerized systems and standardized procedures
  - Single permitting system is needed to improve communication, provide better customer service, and enable other efficiencies
  - The Town should proceed on this as soon as possible

The Board unanimously agreed that Chairman Avila should request time for proper Board discussion and review of this topic, to allow the Board to come to a consensus on the Select Board's proposals. Concluding, the Board authorized Chairman Avila to share the above-referenced summary with the Select Board at the joint meeting.

6:45 P.M. A motion was made by Joseph Toomey, which was duly seconded by Kevin Melo, and unanimously voted (5-0) to recess at this time, and reconvene in the Select Board's meeting Room #304 for the joint meeting. The Planning Board noted it would return to its regular meeting after meeting with the Select Board.

6:50 P.M. The Planning Board reconvened in Room #314 to continue its regular meeting since the Select Board requested a later time this evening.

Chairman Avila proceeded with the agenda while waiting for the Select Board to notify the Planning Board that it was ready for the joint meeting.



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

**(4) For Your Information/New Business**

- **Planner's Report**

Riverside Woods

Mr. Perry stated that he received an email from the DNRT stating that the agreement with the developer is incomplete at this time, but the owner has represented that he is working on it.

Town Hall Parking Lot

Mr. Perry explained that the Town Hall parking lot construction was due to the installation of gas lines and a generator upgrade. No changes were made to the parking lot design.

Cumberland Farms Renovations (State Road)

Mr. Perry showed the Board a rendering of a new Cumberland Farms building proposed for the State Road location. The plan will include demolishing the current building and maintaining the current curb cuts. A parking plan will be submitted in the near future for review.

SRPEDD Draft Rte. 6 Low Impact Development Study

Mr. Perry noted that the study was done from an economic development perspective, and stated that he is seeking the Planning Board's input while it's still in draft form so that he can send a message to SRPEDD if the Board determined development should be limited since much of the study area is located in the Aquifer Protection District.

The Board requested that "low impact" be clearly defined. The Board did not support relaxing the development standards for this area, and determined that the Aquifer Protection Bylaws should be maintained, noting that the Town's Master Plan wants to protect the Aquifer. In addition, the Planning Board would like to see existing developed areas re-used and not expand development into undeveloped areas near Town wells.

Zoning Articles/Fall Town Meeting

The draft language for the following seven zoning articles were submitted to and acknowledged by the Select Board:

1. Amend the Zoning Bylaws by adding the following new Zoning District entitled Bliss Corner Mixed Use District (BC)
2. Amend the Zoning Map by changing lots currently zoned General



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

Business to Bliss Corner Mixed Use District

3. Amend the Zoning Map by changing lots currently zoned General Business to General Residence
4. Amend Section 6 and Section 20 of the Zoning Bylaws  
(To create consistency with OSRD subdivision approval lots and septic system design requirements for lots with less than one acre)
5. Delete Entirely Section 2B – Medical Marijuana Moratorium
6. Amend the Zoning Bylaws by adding the following new Section 24: Earth Fill
7. Amend Section 16.101 of the Zoning Bylaws to include language for Bicycle Parking Guidelines and Design Standards; Add Section "I" under Section 16.203

Mr. Perry stated that he will be meeting with Town Counsel to discuss the Bliss Corner Mixed Use Bylaw and the Earth Fill Bylaw language, which might lead to further revisions. He also stated that the Board of Health will be meeting to discuss the article to amend Section 6 and Section 20, which could lead to language changes. Mr. Perry will submit the final draft language at the August 4, 2014 meeting for final Board review and comment prior to the public hearing, scheduled for August 25, 2014.

Mr. Perry reviewed the individual articles with the Board for discussion. Discussion ensued and the Board made suggestions, which Mr. Perry will add to the final draft language and discuss with Town Counsel.

7:30 P.M. The Select Board notified the Planning Board that they were ready for the joint meeting.

A motion was made by Lorri-Ann Miller, which was duly seconded by Joseph Toomey, and unanimously voted (5-0) to recess at this time, and reconvene in the Select Board's meeting Room #304 for the joint meeting.

**Appointment**

**7:40 P.M. Joint Meeting with Select Board**

Discussion:

"Proposed Realignment of Land Use/Development Services Functions"



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

Select Board Members Present

Michael Watson, Chairman  
Lara Stone, Vice-Chairman  
Shawn McDonald  
John George, Jr.  
Stanley Mickelson

Select Board Chairman Watson noted that the Board of Health was unable to attend this joint meeting, and thanked the Planning Board for its attendance. He stated that the proposal is seeking to physically relocate offices to create a centralized location for development permitting offices. He proceeded to explain that there is less State aid than a decade ago, and that the Town needed to maximize efficiencies. He noted that Department Heads are retiring, and positions will need to be filled. He stated that the 2000 Charter doesn't account for the Steelworkers Union, which Department Heads joined in 2009, and that the Select Board negotiates salaries. He explained that Deborah Wender and David Cressman drafted the proposals, and that he and Lara Stone had substantial input as well. Chairman Watson invited Planning Board Chairman Joel Avila to address the Board.

Chairman Avila thanked the Select Board for this joint meeting and the opportunity to start a dialogue. He informed the Select Board that the Planning Board has not had the opportunity to come to a consensus as a Board in terms of what the Planning Board would support in this proposal or the areas of concern.

Chairman Watson agreed that the Planning Board needed more time, but noted that the Select Board is seeking quick feedback because it is the Select Board's intent to bring an article to Fall Town Meeting.

Chairman Watson proceeded to review the nine proposals listed in the Memorandum, and the Select Board's rationale as to why they are being proposed.

- Physically relocate Board of Health, Board of Appeals, Conservation, Planning, and Development staff to combined office space on third floor
  - Planning Board stated that the Building Department is the hub for all development offices and needed to be part of the combined office space in order for this proposal to be effective
- Track work load to better align staffing requirements
- Identify opportunities to optimize staffing levels and responsibilities
- With upcoming retirements, consider creation of a Community Development Department, with a department head and staff level positions for Town Planner and Conservation. (Note: policy decisions will continue to reside



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

within the various appointed and elected boards.)

- Planning Board reminded Chairman Watson that State law gives the Planning Board the authority to employ their own staff. Chairman Watson will raise this issue with Town Counsel

Chairman Watson proceeded to debate the merits of the proposals with the Planning Board. Chairman Avila reminded Chairman Watson that the Planning Board is not prepared to discuss the individual points with the Select Board at this meeting, but will discuss the proposals as a Board and provide feedback to the Select Board as a Board. The Select Board requested that the Planning Board's feedback be solution-oriented.

Chairman Watson then discussed this past Spring election's non-binding ballot question, stating that folks wanted to see reform, arguing that he is not comfortable advocating for the ballot box and then losing at Town Meeting. He elaborated by stating that the Town Meeting vote should not supersede what folks are saying, and that even if the Boards disagree, making it happen should be the goal.

Chairman Watson continued to review the remainder of the Select Board's proposals.

Planning Board suggestions at this meeting included:

- Move development offices to the second floor so that building department is included (if the building is structurally capable)
- Select Board staff should compile flowcharts of different scenarios of people seeking specific permits and the offices involved in the process
- Select Board should submit a cost analysis for engineered plans and construction costs to determine if office relocation is cost effective
- Full-time employees should work 40 hours per week rather than 35 (long-term approach)
- Close one afternoon a week to offer evening hours to customers
- Hire new people in development offices to train for positions nearing retirement
- Low tax rate contributing to problem of lack of funding for positions
- Boards get together on a quarterly basis

Select Board suggestions at this meeting included:

- Poll customers quarterly by coming up with a questionnaire on how services could be improved



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

- Reallocate resources, or add a "technology" fee to permitting fees in order to fund a GIS position, or other positions as may be appropriate
- Offer evening hours to customers by leaving some offices open
- Local aid formula from the State is grossly unfair to Towns; continue to work on fixing this issue
- Planning Board should continue to be creative in looking for economic development engines through zoning

Chairman Avila requested the opportunity to verbalize the Planning Board's summary outlined in their earlier discussion on this topic, which Chairman Watson allowed.

Main points:

- Physical relocation of development offices does not make sense without the inclusion of the building department
- There's sensitivity to the references of redundant staff positions
  - Dangerous to reduce staffing further
  - Risk of not meeting legal obligations for each department
- Reorganization in terms of having the Planning Director report to someone other than the Planning Board raises a lot of concerns
  - Variation of what was presented at Town Meeting
  - Planning Board consensus to maintain control over its own staff to eliminate conflicts
- Computerized systems should be explored as quickly as possible to bring the efficiencies to town Hall and achieve many of the outlined objectives

Chairman Watson stated that he appreciated the Planning Board's outlined view, but that this view is coming only from a Planning Board's perspective, while the Select Board's view is coming from the Town's perspective. He proceeded to argue that Boards should not function with a narrow set of views.

8:30 P.M. Chairman Avila dismissed himself from the joint meeting.

A Planning Board member argued that the views of the Planning Board are not narrow-minded, noting that development Boards currently work cooperatively and communicate well with each other; and that the Planning Board also thinks from a Town's perspective, especially since as an elected Board, it has the same responsibility to voters as the Select Board.

A Planning Board member asked for clarification of Proposal 4, which proposes a Community Development Department, with one Department Head, and staff level positions for Town Planner and Conservation. Chairman Watson stated that this is a consideration, but years away.





**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

Chairman Watson argued that this proposal is not a power grab and that individual Boards cannot just look at their own individual needs. He proceeded to explain that the Planning Director's salary is set by the Select Board and there is not a thing a new hire could do about it according to the Steelworker's contract. He stated that the Select Board could set the Planning Director's salary to zero.

The Planning Board reminded Chairman Watson that the Select Board does not have any control over the Planning Board's goals, objectives, and priorities, which is why the Planning Board should retain control over its own Director. Similarly, the Select Board has control over the Town Administrator, who helps set the Select Board's goals, objectives, and priorities, which the Planning Board does not have any control over. The Planning Board emphasized the need for Directors to continue to report to their own Boards.

Concluding discussion, a Planning Board member reminded Chairman Watson that when the Select Board originally talked about Charter Revisions, the Planning Board expressed interest in working with the Select Board in an effort to improve efficiencies and will continue to do so.

The Planning Board and the Select Board will meet again on September 8, 2014 to discuss the zoning articles for Fall Town Meeting and to resume this discussion

8:45 P.M. Discussion concluded.

8:50 P.M. Planning Board reconvened in Room #315 for the remainder of its regular meeting.

**(4) For Your Information/New Business**

Planner's Report

Zoning Articles/Fall Town Meeting

Board discussion resumed, with detailed revisions made to the draft Bliss Corner Mixed Use Bylaw. A Board member suggested that Mr. Perry take photos of attractive buildings to illustrate architectural design features the Planning Board would like to see in the proposed Bliss Corner Mixed Use District. The revisions from this meeting will be incorporated in the next draft for Town Counsel's review. The Board will review and discuss the final drafts at its next meeting scheduled for August 4, 2014.

New Business

A Board member informed Chairman Avila of the next joint meeting with the



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**July 21, 2014 – 6:15 P.M.**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

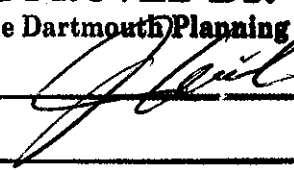
Select Board to be held on September 8, 2014 to discuss and respond to the Select Board's proposal regarding the "Proposed Realignment of Land Use/Development Services Functions". Discussion ensued, with the Board authorizing the Planning Director to forward a letter to the Select Board asking if they are drafting an article on this topic for Fall Town Meeting, and to request that the language be forwarded to the Planning Board prior to the next meeting of August 4, 2014. The Planning Board wanted the specific content of the article to assist the Planning Board in providing meaningful feedback on this proposal at the next joint meeting.

Concluding discussion, Chairman Avila noted the next Planning Board meeting is scheduled for August 4, 2014, in Room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Kevin Melo, duly seconded by John Sousa, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:50 p.m.

Respectfully submitted,  
Jane Kirby  
Planning Aide

**APPROVED BY:**  
The Dartmouth Planning Board

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_