



MINUTES OF REGULAR PLANNING BOARD MEETING
October 20, 2014
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 October 6, 2014

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

(2) Invoices

Chronicle Subscription Renewal \$36.95

A motion was made by Joseph Toomey, duly seconded by John Sousa 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 New Bedford

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.

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

James F. Kennedy Life Estate Chase Road dated 9/25/14

The Planning Director explained that this ANR is for property located on the east side of Chase Road, between Back River Drive and Indian Cliff. He stated that the plan creates two lots, which meet the frontage and area requirements of the



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Single Residence B Zoning District and can be endorsed.

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

(5) Discussion: Procedure for Providing Planning Dept. Office Coverage

The Planning Director noted that Chairman Avila has requested an office coverage procedure be in place for situations in which both the Planning Director and Planning Aide will be out of the office.

The Planning Director obtained confirmation from both the Zoning Board of Appeals Chairman and the Town Clerk that those offices will provide assistance to the general public if the Planning Office is unattended.

Chairman Avila's draft policy was discussed by the Board, and minor revisions were made.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to adopt the following procedure:

Policy

It is the policy of the Planning Board that the Planning Office shall be open to the public at all times during the hours identified and published on the Town's web site for all Town Hall Departments. The Director of Planning is responsible for creating and maintaining a personnel schedule to prevent gaps in service to the public due to planned absences. No exceptions to this policy shall be allowed without the express approval of the Planning Board.

The Planning Board shall maintain a reciprocal coverage agreement with the Zoning Board of Appeals to address exceptional situations when the entire Planning staff is unavailable due to illness or other excusable absences. During such unavoidable situations, the Planning Director shall be responsible for posting a standard notice on the Planning Office door advising the public as to how long the Planning Office will be closed and referring the public to the office of the Zoning Board of Appeals. Likewise, during even more extraordinary situations when all Planning and ZBA employees are not available to staff their respective offices, the Planning Director shall post notice on the Planning Office door advising the public as to how long the Planning Office will be closed and referring the public to the office of the Town Clerk.

During any time that the office is expected to be closed for a period of more than an hour, the Planning Director shall ensure that the message on the telephone



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answering service is changed to indicate that the office is closed and to set a reasonable expectation as to when a call will be returned. In addition, the Planning Director shall provide notice to the Town Administrator of any situations where the Planning Office will be closed for two hours or longer.

(6) Discussion: Dartmouth Community Preservation Committee (CPC)
Input of FY16 Needs Assessment

The Planning Director explained that CPC is seeking input from Town Boards and Agencies. The Planning Director stated that the CPC follows the values, goals, and objectives of the Town's Master Plan. John Sousa, Planning Board's representative on the committee, confirmed this sentiment stating that the CPC is simply seeking annual input with no change in the plan or policy. The Planning Board did not feel that any input was needed.

(7) Discussion: Chapter 91 – Waterways Licenses

The Planning Board had requested that Planning Staff contact DEP to find out how they respond to the Board's Waterways letters. Staff spoke with Carlos Fragata, Assistant Section Chief, DEP Waterways who made the following comments:

1. The Planning Board letter is helpful.
2. DEP will generally follow the recommendations of the Planning Board if they can.
3. Overall, what the Planning Board asks for (preserving the public right to pass) is what the DEP license is all about, and what DEP will advocate for.
4. The primary reason the Planning Board is asked to comment is to determine consistency with a Harbor Plan, Master Plan, or special zoning, such as dock spacing requirements.
5. DEP will always require public passage through any proposed shoreline obstacles (docks, jetties, etc.).
6. Copies of the Waterways Licenses are given to the Conservation Commission.

Brief Board discussion ensued. The Board requested copies of more recent Waterways Licenses as well as an inquiry into the Harbormaster's involvement with these licenses.



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(8) Discussion: Fall Town Meeting – October 21, 2014

The Planning Director reviewed an inconsistency found by Town Counsel between two of the Fall Town Meeting zoning articles.

Article 9 will amend Section 16 to include bicycle parking standards which differs from language in Article 5, Bliss Corner Mixed Use District [10B.410(D)]. Town Counsel recommended that 10B.410(D) be deleted in its entirety, with a motion to amend Article 5 on Town Meeting floor.

The Board expressed concern with raising this inconsistency at Town Meeting, since it could cause confusion regarding the proposed Bliss Corner Mixed Use District (Article 5). The Board's preference would be to amend the bylaw as a "housekeeping" article at Spring Town Meeting, but will defer to Town Counsel's opinion.

The Board determined that the Planning Director should speak with Town Counsel to let Town Counsel decide whether or not the amendment could wait until Spring Town Meeting.

Chairman Avila requested a vote from the Planning Board regarding this article amendment if Town Counsel determines it should be amended at Fall Town Meeting.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and voted (5-0) to amend the article at Fall Town Meeting if Town Counsel recommended this course of action.

(9) For Your Information/New Business

Planner's Report

- SRPEDD Municipal Assistance (Sign Bylaw)

The Planning Director stated that the Select Board has agreed to apply their hours in conjunction with the Planning Board's hours to direct SRPEDD to create a draft sign bylaw for review.

- Padanaram Village Sidewalks

The Planning Director informed the Board that standards and locations are being considered for sidewalks in Padanaram Village.



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- Middle School Parking Lot

The Planning Director noted that concrete bollards have been installed and recommended that the Board look at them.

- Clarendon Estates

The Planning Director alerted the Board to a potential issue regarding this subdivision. The development was purchased as a foreclosure property by the current developer (Palmer River). The current developer has realized that there is no Homeowner's Association in place, since it has lapsed due to the foreclosure. Palmer River will be holding a meeting with homeowners of this development in an effort to create a new Homeowner's Association. The Planning Office has received numerous inquiries, and some owners have expressed that they are not interested in joining an association.

Subcommittee Reports

Lorri-Ann Miller (Planning Board's representative to the SRPEDD Commission) stated that she received a call from Deborah Wender (Select Board's representative to the SRPEDD Commission) about the Planning Board's letter to the Select Board. The letter was regarding SRPEDD's Route 6 Low Impact Development (LID) Study report. The letter stated that the Planning Board does not support the report's recommended changes to the Aquifer Protection Zoning.

Lorri-Ann Miller said she was invited by Deborah Wender to meet with the Town Administrator to discuss this topic, which she declined. Instead, she suggested that a joint meeting be held with the Planning Board, Select Board, Board of Health, and Grant King (from SRPEDD) to discuss.

New Business

Chairman Avila asked the Planning Director about Long Range Planning. The Planning Director reminded the Board that the "big box lots" were removed from the Bliss Corner Mixed Use District article and will be the next phase for Long Range Planning, along with draft sign bylaw review.



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With no further business to discuss, Chairman Avila noted the next Planning Board meeting is scheduled for November 3, 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 Kevin Melo, and unanimously voted (5-0) to adjourn this evening's regular meeting at 7:50 p.m.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board



