



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**December 22, 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 7:05 p.m., with all Planning Board members and Planning Staff present.

Chairman Avila announced that this would be the last meeting for the Planning Director, Donald Perry, who is retiring.

Present at this meeting was State Representative Christopher Markey.

Representative Markey presented Donald Perry with a citation from the Massachusetts House of Representatives in recognition of his 34 years of service to the Town of Dartmouth, and offered words of appreciation. The Board members proceeded to offer their own words of appreciation. Mr. Perry humbly thanked everyone for their kindness.

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of December 11, 2014  
Regular Meeting of December 15, 2014  
Public Hearing Minutes of December 15, 2014  
RE: Definitive OSRD Subdivision "Sagamore Estates"

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

**(2) Correspondence**

Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission  
Legal Notices from Freetown

A motion was made by Joseph Toomey, and duly seconded by Lorri-Ann Miller, an unanimously voted (5-0) to acknowledge and file the above-referenced correspondence.



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**(3) Future Planning Board Meeting Schedule**

Planning Board Meeting Schedule through April 2015:

Monday, January 5, 2015	NONE
Monday, January 12, 2015	Regular Meeting/Long Range Planning
Monday, January 19, 2015	NONE – Martin Luther King Day
Monday, January 26, 2015	Regular Meeting/Long Range Planning
Monday, February 2, 2015	NONE
Monday, February 9, 2015	Regular Meeting/Long Range Planning
Monday, February 16, 2015	NONE – President's Day
Monday, February 23, 2015	Regular Meeting/Long Range Planning
Monday, March 2, 2015	NONE
Monday, March 9, 2015	Regular Meeting/Long Range Planning
Monday, March 16, 2015	NONE
Monday, March 23, 2015	Regular Meeting/Long Range Planning
Monday, March 30, 2015	NONE
Monday, April 6, 2015	Regular Meeting/Long Range Planning
Monday, April 13, 2015	NONE
Monday, April 20, 2015	NONE – Patriot's Day
Monday, April 27, 2015	Regular Meeting/Long Range Planning

**(4) Clarendon Estates Subdivision Surety**

Present: Matthew Antonio, Palmer River Development

This item was continued in order to allow the developer to complete more improvements within the subdivision.

The expiration date of the Letter of Credit was checked with the Treasurer's Office and confirmed to be March 14, 2015.

The Planning Director advised that the Planning Board could reduce the surety, but should also keep in mind that the developer will be seeking the release of the last two lots. The Planning Board, through its Subdivision Regulations, would normally hold lots until all work is completed in the subdivision. All work has not been completed as of this meeting.

Mr. Antonio reviewed the remaining items left to complete, and submitted an updated surety estimate from the DPW which reduced the original surety from \$268,005 to \$25,167.



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Mr. Antonio requested that the Board release Lot 2 since the house is constructed and all that remains is the Certificate of Occupancy.

Discussion ensued, with the Board concerned with setting a bad precedent by releasing lots before the improvements have been completed. Ultimately, a compromise was made to release Lot 2 but continue to hold Lot 1. A surety reduction was also discussed and agreed upon.

The Board stressed that Lot 1 will not be released until all improvements are completed in the subdivision and a letter from the DPW is received confirming the subdivision is complete, and that all work should be completed in the subdivision by June 30, 2015.

A motion was made by John Sousa, which was duly seconded by Joseph Toomey, and unanimously voted (5-0) to reduce the surety to \$25,167 and to release Lot 2. Lot 1 will remain held until all work is completed in the subdivision.

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

**Planner's Report**

- **Town Hall Space Reorganization Committee**

Mr. Perry submitted the minutes and draft conceptual drawings to the Board for review and comment. He explained that the Committee's preferred layout was one that created open counter space for the general public, but kept the Director's and their support staff together in separate offices, rather than the concept of the "clerical pool area" suggested by the Select Board.

Discussion ensued. The Board questioned if departmental needs would be met with the conceptual layout. Mr. Perry explained that by keeping separate offices, the files will remain with the offices. He explained that the submitted drawings were preliminary in order to come to a consensus on the design idea, but a real plan still needed to be drawn and a structural engineer still needed to determine the structural integrity of the building. Mr. Perry also stated that no cost analysis for the project has been submitted to date, but one was anticipated.

- **Planning Representative to Town Hall Space Reorganization Committee**

Mr. Perry reminded the Board that he will no longer be a Committee member since his last day of work will be January 2, 2015. Discussion ensued. The Planning Board felt the new Planning Director could attend, but thought that the Planning Aide should accompany him for a few meetings to help with the



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transition. The Board noted that the Select Board appointed the Committee and may not agree.

- 321 Elm Street – Change of Use Variance Request

A Board member questioned this Variance request. The Planning Director reminded the Board that Use Variances are only prohibited in Single Residence A, B, and C Districts at this time, and that this property is located in the General Residence District. The Planning Board supported this Use Variance request, noting that the Village Business District map should probably be amended to include this property, and more area than currently exists.

- Planning Director's Reviews for Board of Appeals

Discussion ensued in terms of the new Planning Director's reviews for Board of Appeals relief. The Planning Director recommended that the Planning Board review the new Planner's Zoning Board of Appeals recommendations until the new Planning Director was comfortable with understanding the Planning Board's policies. The Board determined that the new Planning Director should write drafts and allow for Planning Board review prior to submitting the reviews to the Zoning Board of Appeals.

**(6) Long Range Planning – Site Plan Review Bylaw**

The last time this topic was discussed, the Planning Board gave direction for developing a Site Plan Review Bylaw. The following is an outline of that direction, including Planning Staff recommendations that can be used in developing the bylaw:

1. Section 16 – Off Street Parking regulations will be the basic framework for the new Site Plan Review Bylaw.
2. Site Plan Review will not require a public hearing or Special Permit.
3. Section 16 will be re-named Site Plan Review, and all references to Section 16 in the Zoning Bylaws will need to be changed.
4. Section 16 will need to be reorganized to be more precise, clear, and understandable.



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5. The document, "Design Standards for Site Plan Review Bylaw", attempted to reorganize the requirements of Section 16 and update the standards. Since this was done in 2004, these standards should be reviewed again. In particular, the sections on Parking Spaces Required, Drainage, and Signs.
6. Section 16 will need to be expanded to include additional subsections that Site Plan Review normally includes such as traffic impact, and architectural style and scale. Drainage should be expanded to incorporate LID techniques.
7. The uses and activities that trigger Site Plan Review should be the same as in Section 16. Some additional activities/uses to include should be:
  - a. Drive Thru facilities
  - b. Development of properties listed on the State Register of Historic Places
  - c. Uses in high traffic areas or at congested intersections
8. The Board should also consider modifying the exemption for repaving existing parking lots to require a sign off from the Planning Board, confirming that the repaved parking facility is not altered (to avoid situations such as the Middle School Parking lot).
9. The bylaw could include provisions to waive certain identified design standards based and defined criteria. The request to waive the standards would come from the applicant and could be granted by Special Permit from the Planning Board. The Special Permit would identify the design standard being waived, which the Planning Board would have written into the bylaw in advance. Not all design standards would be eligible for waivers, and at this time it is recommended that only the number of parking spaces be eligible for waiver provided that it is shown on a plan that the site could actually accommodate the full number of required parking spaces.
10. Planning Staff would recommend against a Special Permit to waive setbacks, buffers, or landscaping.



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11. Outreach to stakeholders such as business owners, property owners, and residents should be undertaken early in the process to identify issues and develop a consensus on proposed changes.

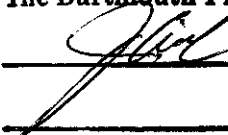
Some changes were made to the submitted document entitled "The Design Standards for Site Plan Review Bylaw (1<sup>st</sup> Draft).

With no further business to discuss, Chairman Avila called for a motion to adjourn.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to adjourn this evening's regular meeting at 8:40 p.m.

The next Planning Board meeting is scheduled for January 12, 2015, in Room #315, Town Office Building, 400 Slocum Road.

**APPROVED BY:**  
The Dartmouth Planning Board

  
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Respectfully submitted,  
Jane Kirby  
Planning Aide