



**MINUTES OF REGULAR PLANNING BOARD MEETING
December 7, 2015
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. John Hansen, Jr., Planning Director

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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 November 23, 2015

A motion was made by John Sousa, 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 City of Fall River

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

- (3) Planning Board Meeting Schedule**

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously voted (5-0) to approve the following meeting schedule through March 2016.

Planning Board's Meeting Schedule thru March 2016
Planning Board Meeting Room #314

Monday, January 4, 2016	NONE
Monday, January 11, 2016	Regular Meeting/Long Range Planning
Monday, January 18, 2016	Martin Luther King Day
Monday, January 25, 2016	Regular Meeting/Long Range Planning
Monday, February 1, 2016	NONE
Monday, February 8, 2016	Regular Meeting/Long Range Planning
Monday, February 15, 2016	Presidents Day



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Monday, February 22, 2016	Regular Meeting/Long Range Planning
Monday, February 29, 2016	NONE
Monday, March 7, 2016	Regular Meeting/Long Range Planning
Monday, March 14, 2016	NONE
Monday, March 21, 2016	Regular Meeting/Long Range Planning
Monday, March 28, 2016	NONE

- (4) Definitive Subdivision entitled "Sheldon Woods"**
1-lot subdivision located off of Old Fall River Road (Viveiros Way)
Surety Release

The Planning Director explained that the applicant for this 1-lot subdivision off Old Fall River Road has requested that the \$27,000 letter of credit that had been posted be released. He obtained confirmation from the DPW that the work has been completed and recommended approval of the release of surety.

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously voted (5-0) to release the surety for "Sheldon Woods".

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

Planner's Report

- Site Plan Amendments

The Planning Director was seeking the Board's direction for handling amendments to approved parking plans. The Board believed that discretionary items could be handled by the Planning Director without the need for Board approval, but suggested that the Planning Director bring his interpretation of whether the amendment is minor or major to the Board until he reaches a comfort level with his interpretations.

- Scheduled Vacation

The Planning Director reminded the Board that he will be on vacation the week of December 14, 2015.

- 2016 District Local Technical Assistance (DLTA)

The Planning Director asked the Board how it would like to use SRPEDD's District Local Technical Assistance for calendar year 2016. The Board determined a completion of a Build-Out Analysis would be appropriate to plan ahead for both Town growth and conservation, and to assist in future Master Plan updates.



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A motion was made by Lorri-Ann Miller to use the DLTA to develop a Build-Out Analysis, which was seconded by John Sousa, and unanimously voted (5-0).

- **AARP Age-Friendly Communities Program**

The Planning Director briefly explained the program to the Board, noting that he will be attending a webinar along with the Town Administrator. The Council on Aging will be doing a presentation before the Select Board on December 21, 2015 and invited the Planning Board to attend.

New Business

A Board member had a quick discussion regarding the Obama administration's Housing & Urban Development department's Affirmatively Furthering Fair Housing (AFFH) regulation. The article he referenced will be forwarded to the Board as an FYI for its next meeting.

(6) Long Range Planning – Non-Conforming Uses & Sign Bylaw

Non-Conforming Uses

The Planning Director submitted the amended language for non-conforming uses as suggested by the Board at its last meeting, which would not allow a non-conforming use to change to a different non-conforming use.

**3B.105 Expansion ~~or~~ Change of Non-Conforming Uses Other Than
One or Two Family Residential Uses**

Non-conforming uses other than a one or two family residential use may be extended ~~or changed to another non-conforming use~~ only by Special Permit granted by the Board of Appeals.

The Board of Appeals shall not issue a Special Permit unless the Board finds that the extension is not more detrimental to the neighborhood than the existing non-conforming use.

A motion was made by John Sousa to approve the above-referenced changes to Section 3B.105 of the zoning bylaws, duly seconded by Kevin Melo, and unanimously voted (5-0).

Draft Sign Bylaw

The Planning Director reminded the Board that SRPEDD completed this draft Sign Bylaw on June 4, 2014. He stated that on June 18, 2014, the Supreme Court made a decision related to signage that could impact the Town's bylaw. He



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recommended that the draft bylaw be forwarded to Town Counsel for a thorough legal review to ensure that the bylaw will meet the Supreme Court's decision regarding "content neutrality" for signs.

A motion was made by Lorri-Ann Miller to request Town Counsel's quick legal review since the draft Sign Bylaw is a priority for the Town, with a copy forwarded to the Select Board in an effort to obtain a timely response. This motion was seconded by John Sousa, and unanimously voted (5-0).

The Board proceeded to review half of SRPEDD's June 4, 2014 draft Sign Bylaw in detail. The revisions will be made to this draft for the next meeting.

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

A motion was made by Kevin Melo, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:30 p.m.

The next Planning Board meeting is scheduled for December 21, 2015 in Room #315, Town Office Building, 400 Slocum Road.

APPROVED BY:
The Dartmouth Planning Board

Respectfully submitted,
Jane Kirby
Planning Aide