

**MINUTES OF REGULAR PLANNING BOARD MEETING OF OCTOBER 19, 2009**  
**Held at 7:00 p.m., Room #315, Town Office Building**  
**400 Slocum Road, Dartmouth, MA**

**Planning Board**

Mr. John V. Sousa, Chairman  
Mr. Joseph E. Toomey, Jr., Vice-Chairman  
Mr. John P. Haran, Clerk  
Mrs. Lorri-Ann Miller  
Mr. Arthur C. Larrivee

**Planning Staff**

Mr. Donald A. Perry, Planning Director  
Mrs. Joyce J. Couture, Planning Aide

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 5, 2009**

A motion was made by Mr. Larrivee, seconded by Mr. Haran for discussion, and unanimously voted (5-0), to approve the minutes of the regular Planning Board meeting of October 5, 2009 as written.

**(3) Correspondence**

Legal Notices from Town of Westport  
Legal Notices from Board of Appeals  
Legal Notices from Conservation Commission

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (5-0), to acknowledge and file the above referenced correspondence.

**(3) Initial review of Off-Street Parking Plan entitled "Proposed Golf Car Sales"**

The Planning Director stated this Off-Street Parking Plan is for a golf car sales facility to be located on State Road opposite Wal-Mart. It shows 10 parking spaces and a small golf car display area. Mr. Perry noted the plan is well-designed and the proposed building is 2,800 square feet.

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Daniel Aguiar, SITEC, Inc., engineer for the project displayed several color sketches and gave an overview of the proposal. He stated the applicant is hoping to repair and sell used golf cars to individuals for personal use. Mr. Aguiar noted that the property is located in the Aquifer Protection District and his client received a variance in July to go forward with the plan.

Discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion and unanimously voted to approve (5-0) with modifications, the Off-Street Parking Plan entitled "Proposed Golf Car Sales Facility" prepared for Antonio Viveiros, 20 Sandpiper Drive, Westport, Mass. to be located at 537 State Road, Dartmouth, Mass. The Parking Plan was submitted to the Planning Office on September 21, 2009.

The plans referred to in this action are entitled "Proposed Golf Car Facility" and consist of the following sheets: Site Layout and Existing Conditions Plan dated September 1, 2009. Grading, Utility and Landscaping Plan dated September 1, 2009

Conditions of approval are listed below:

1. A detail of the rip-rap infiltration trench should be included to provide the top elevation of the stone, the typical size of the stone, and the base for the stone which would allow the runoff to filtrate into the ground.
2. All pipe connections to the MDC gas trap must be watertight by inserting rubber boots in the pre-cast manhole openings. The frame and cover must also be watertight. D.P.W. specifications require LeBaron #LC248-9/L24C32 or LT103A/L24C7 frames with sealtite covers. Also, the section between the top of the pre-cast manhole cone and the metal frame must be sealed utilizing either a rubber internal seal as manufactured by Cretex Specialty Products or H.D.P.E. adjusting rings as manufactured by Ladtech Inc.
3. A "One-Way" sign shall be installed in the State Road median island at the main entrance/exit of the parking facility, if allowed by Mass Highway. This condition shall be noted on the plan.
4. The following notes shall be added to the plan:
  - A. A maximum of 9 golf cars can be displayed in the front display area.
  - B. Storage of golf cars and other stored items at the rear of the property shall be limited to the paved storage area.
  - C. Golf cars shall not be stacked one on top of the other outside.
  - D. The words "Golf Car Display Area" and "Storage Area" shall be painted on the pavement in the respective areas at the front and rear of the site.

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- E. A sign at least 3' x 3' shall be placed at the rear of the building stating "Outdoor storage shall be limited to paved storage areas only."

Five sets of revised plans incorporating the above modifications shall be submitted to the Planning Office.

The Director of Inspectional Services shall not issue a building permit until a letter is received from the Planning staff stating that the plans have incorporated the above modifications; and a revised approved plan is forwarded with the letter.

Approval of this plan does not imply compliance with other Town ordinances, standards, and/or requirements administered by other Town agencies.

### Appointments and Public Hearings

- (4) 7:15 P.M. – PUBLIC HEARING– Definitive (OSRD) Subdivision Plan entitled "OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy" (Assessor's Map 25, Lot 1-12 and Map 24, Lot 49) to be located north of Rock O'Dundee Road and east of Bakerville Road**

In a roll call vote, a motion was made by Mrs. Miller, seconded by Mr. Haran, and so voted (4-1), to recess the Planning Board's regular meeting at 7:26 p.m. in order to go into a public hearing concerning a proposed amendment to the Definitive OSRD Subdivision Plan<sup>1</sup> entitled "OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy".

Lorri-Ann Miller – yes; John Haran – yes; Joseph Toomey, Jr. – yes; Arthur Larrivee – no, John Sousa – yes.

The regular meeting resumed at 8:07 p.m.

- (5) 7:45 P.M. – APPOINTMENT – David and Shannon Simoes: Street Determination for Westwood Street**

present: David and Shannon Simoes, applicants

The Planning Director stated this appointment has been scheduled to discuss a street determination request for Westwood Drive which is located off Slocum Road/Alpha Street. The existing road in front of the lot is 15-foot wide gravel. Mr. Perry noted he visited the site and feels the existing gravel road is adequate to service the additional house. Mr. Perry also pointed out the Fire Chief of District #1 contacted the Planning Office and indicated the existing gravel road is acceptable to him.

Discussion ensued.

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<sup>1</sup> For more information, see minutes of Planning Board Public Hearing of October 19, 2009 "Bogusky and Purdy"

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Board members generally had no problem with this request especially since the applicant provided written documentation from the Conservation Commission requesting that the road given its proximity to Buttonwood Brook remain a gravel pervious surface. Additionally, one Board member expressed concern that since the Planning Board has recently adopted new road standards under its Subdivision Regulations with endorsement from all the Fire Chiefs, a written letter for the subject file from Fire Chief #1 would be prudent.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to notify the Director of Inspectional Services that the Planning Board reviewed the adequacy of the existing 15-foot gravel road to serve as frontage and access for a proposed residence on Westwood Drive (Lot 102, Assessor's Map 143). The Planning Board recommends granting a building permit with the street, as it exists, on condition that a letter from the Fire Chief of District #1 is placed on record approving the existing gravel road.

**(6) 8:00 P.M. – APPOINTMENT – Attorney Anthony Savastano re: Discussion of Street Acceptance Procedure and opinion letter on Town's Scenic Road By-law**

present: Anthony Savastano, Town Counsel

The Planning Director stated this appointment was scheduled as a result of the last Planning Board meeting to discuss the requirements for public street acceptance.

At this time, Mr. Savastano distributed to each Board member and staff the written recommendation he is proposing for Town Meeting approval concerning the street acceptance of Blossom Court. He explained it is his opinion the Town should be accepting new Town ways by having the developer provide a legal document granting perpetual rights and easement to the Town.

Discussion ensued.

It was clear from the discussion that the Town needs to develop a more definite procedural process for street acceptances/discontinuances with specific timelines. Also, everyone agreed that Town departments should follow this process before any petitions for the acceptance/discontinuance of streets be placed on the Town Meeting warrant.

The Planning Director would forward to Town Counsel a copy of the procedural flowchart developed in the 1990s by Planning staff to provide guidance in creating an updated procedure.

On another matter, the Planning Board asked Mr. Savastano to clarify his position on whether the Town's Right to Farm General By-Law could override the Town's Scenic

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Road General By-Law.

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Mr. Savastano cited a few examples, and acknowledged that while both bylaws seek to promote and protect equally worthy preservation interests, research has lead him to conclude that once a Town designates a road as scenic, the procedure mandated by the Scenic Road Act must be followed irrespective of the reasons for the proposed changes to that scenic road or the landowner's use of his/her property.

Brief discussion ensued.

Board members thanked Mr. Savastano to coming this evening and clarifying the above identified issues.

### Administrative Items

#### **(7) Request for time extension on deadline to complete required improvements in the Definitive Subdivision Plan entitled "John Alden Farm" (East)**

The Planning Director noted the developer is requesting a 1-year time extension on this project. The current deadline is November 7, 2009 and the letter of credit does not expire until November 26, 2009. He noted a signoff signature from the current lot owners was also included in the request. Mr. Perry recommended the Planning Board approve this request.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and so voted (4-0) with Mr. Sousa abstaining, to grant a time extension to complete required improvements in the Definitive Subdivision Plan entitled "John Alden Farm (East)" from November 7, 2009 to November 7, 2010. The letter of credit posted with the Town in the amount of \$100,000. should be renewed with a revised expiration date of November 26, 2010 and received in the Town Treasurer's office no later than November 7, 2009.

#### **(8) Planner's Report**

- The Town is developing a new website through a program called "Virtual Town Hall". Each department will also have its own site that can be updated internally and which the departments can post their own regulations, forms, and notices. The Planning Director asked if the Board members would like their telephone numbers available to the public on the website. All Board members agreed that it would be okay to include their home telephone numbers with the Planning Board's information.
- The Board of Health is preparing for mass inoculations and has been working on the logistics to do so with the incident command system. Department heads have been drafted to assist in such an operation. The Board of Health is always looking for volunteers and Board members expressed interest.

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- The Planning Director mentioned that he would take more expansive notes at future department head meetings and report back to the Planning Board on important issues.

### **(15) For Your Information/New Business\***

- Planning staff time sheets

At this time, Mrs. Miller asked that the Planning Board vote to go into Executive Session pursuant to M.G.L., Chapter 39, Section 23B to discuss personnel matters with the Planning Director. Hearing no objection, a motion was made by Mrs. Miller, seconded by Mr. Larrivee, and unanimously voted (5-0), by roll call vote to close the Planning Board's regular meeting in order to go into Executive Session: Mr. Larrivee – yes, Mrs. Miller – yes, Mr. Haran – yes, Mr. Toomey – yes, Mr. Sousa – yes.

The regular meeting adjourned at 9:02 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide