

MINUTES OF REGULAR PLANNING BOARD MEETING OF JANUARY 11, 2010
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 four Planning Board members and Planning staff present. Mr. Toomey arrived a few minutes late.

Administrative Items

(1) Approval of Minutes

Regular Meeting of December 21, 2009

A motion was made by Mrs. Miller, and seconded by Mr. Haran for discussion, to approve the minutes of the regular Planning Board meeting of December 21, 2009. Mr. Larrivee requested the minutes be amended on page 11 to include a statement that he wants all the landowners in the Limited Industrial District be notified of any zoning changes that will affect that district. Motion passes (4-0) as amended.

Public Hearing of December 21, 2009 “Ronald Bogusky and Barbara Purdy”

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (4-0), to approve the public hearing minutes of December 21, 2009 “Ronald Bogusky and Barbara Purdy” as written.

Executive Session of October 19, 2009
Executive Session of November 2, 2009

The Planning Board postponed action on approval of the above minutes until the next Planning Board meeting.

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(2) Correspondence

Legal Notices from City of Fall River
Legal Notices from Town of Westport
Legal Notices from Town of Freetown
Legal Notices from Board of Appeals

Mr. Toomey arrived at this time being 7:06 p.m.

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) Endorsement of Approval Not Required (ANR) Plans

Charles & Charlotte Floyd Elm Street dated December 7, 2009

The Planning Director stated this ANR plan is for property located on the west side of Elm Street at Ricketson's Point. It creates two non-buildable parcels. One parcel will go to an abutting lot with a house on it. The other parcel will provide access to the water for a lot across the street. He pointed out this is a conveyance ANR and both lots are labeled "non-buildable". He recommended the plan be endorsed.

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (5-0), to endorse the Approval Not Required (ANR) plan of Charles and Charlotte Floyd for property located on Elm Street dated December 7, 2009.

Greater N.B.I.F. John Vertente Blvd. dated December 30, 2009

Mr. Perry noted this ANR plan is for property located on John Vertente Boulevard in the New Bedford Business Park. It creates two lots which meet the frontage and area requirements of the Limited Industrial District. He recommended the plan be endorsed.

A motion was made by Mrs. Miller, seconded by Mr. Larrivee for discussion, and unanimously voted (5-0), to endorse the Approval Not Required (ANR) plan of the Greater New Bedford Industrial Foundation for property located on John Vertente Boulevard dated December 30, 2009.

(6) Review of Planning Board's F/Y'11 budget

Discussion commenced on the line item details as shown on the draft Planning Board F/Y'11 budget prepared by staff. Board members questioned the particulars listed under job responsibilities on the organizational chart.

The Chairman pointed out it was 7:17 p.m. and the Board should continue this discussion after the public hearing.

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Public Hearings and Appointments

- (4) **7:15 P.M. – PUBLIC HEARING– Proposed amendment to the Zoning By-Laws of the Town of Dartmouth which would create a new “Village Business District” zone and would change the Zoning Map by changing the existing Limited Business District zone in Padanaram**

A motion was made by Mr. Toomey, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to recess the regular meeting at 7:17 p.m. in order to go into the public hearing on the proposed amendment to the Dartmouth Zoning By-Laws which would create a new “Village Business District” zone and would change the Zoning Map by changing the existing Limited Business District zone in Padanaram.¹

The regular meeting resumed at 8:42 p.m.

- (5) **8:30 P.M. – EXECUTIVE SESSION– David Cressman: Executive Session pursuant to M.G.L., Chapter 39, Section 23B**

The Chairman pointed out that in his opinion there was no need to go into Executive Session. He felt the questions and issues the Board would be discussing could be discussed in open session. Board members agreed.

The Chairman said the Planning Board basically has three topics they would like to discuss with Mr. Cressman, the Town’s Executive Administrator. First, what is the plan for consolidation of departments, particularly as it relates to the Planning Board office?

Mr. Cressman stated that although there is no official plan as yet, he is predisposed to creating a Community Development Department, which would likely merge departments such as Planning, Building, Board of Health and Conservation. He mentioned that is how it is structured in Tewksbury, where he was formerly employed.

Discussion ensued.

The Board expressed concerns on how this concept would work in Dartmouth. Several questions were posed. Does it speed up permitting? Who oversees conflict of priorities between Boards, merging of staff, etc?

Next, the Chairman asked what is the status of contract negotiations with the professional union of which the Planning Director is a member.

Mr. Cressman said negotiations were just starting, the professional union was approved by the State, and now the Town has to implement it. He felt an agreement was at least 4-6 months away.

A general discussion ensued.

¹ For more information, see minutes of Planning Board Public Hearing of January 11, 2010 “Village Business District”

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It was noted the Planning Director is in the professional union without a contract. There is no longer a specific agreement in effect between the Planning Board and the Planning Director. If the Board has specific professional requirements for the Planning Director, the Board should send a letter identifying those items as soon as possible to Mr. Cressman.

Lastly, the Chairman asked what the status was on providing additional clerical staffing in the Planning Office.

Mr. Cressman informed the Board that there are no plans to increase clerical staff in the Planning Board office. He said the Town recently hired a part-time floater but that person was assigned to the Town Clerk's office.

Concluding, the Chairman thanked Mr. Cressman for his time this evening.

(8) Initial review of Off-Street Parking Plan entitled "Auto Dealership, Building Addition" for 225 State Road

present James Almonte, Waterman Design Associates, Inc.
Brian Lafferty, Empire Management Corporation

The Planning Director stated this Off-Street Parking Plan is for property at 225 State Road which is the former Dartmouth Dodge site west of Stan & Paul's. He noted the Dodge dealership is being renovated for a Honda dealership and significant changes include a covered auto canopy/service reception area, new service bays, and a vehicle delivery area. Circulation within the site will be improved with new curbing and paved surfaces, dedicated parking areas, pedestrian walkways, and landscaped islands.

Lengthy discussion ensued. Planning Board members offered some suggestions for parking plan improvements which were to be incorporated into the certificate of action.

A motion was made by Mr. Larrivee, duly seconded for discussion by Mr. Haran, and unanimously voted (5-0), to, with modifications, the Off-Street Parking Plan for 225 State Road prepared for Empire Management Corporation, 171 Great Road, Acton, MA 01720 to be located at 225 State Road (former Dartmouth Dodge), Dartmouth, MA. The Parking Plan was submitted to the Planning Office on December 11, 2009.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Title Sheet, Off-Street Parking Plan for 225 State Road	--	Dec. 11, 2009
Existing Conditions Plan, Off-Street Parking Plan for 225 State Road	C1.01	Dec. 11, 2009
Grading & Drainage Plan, Off-Street Parking Plan for 225 State Road	C2.01	Dec. 11, 2009
Utility Plan, Off-Street Parking Plan for 225 State Road	C3.01	Dec. 11, 2009

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<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Layout & Materials Plan, Off-Street Parking Plan for 225 State Road	C4.01	Dec. 11, 2009
Landscape Plan, Off-Street Parking Plan for 225 State Road	L1.01	Dec. 11, 2009
Details Plan, Off-Street Parking Plan for 225 State Road	C5.01	Dec. 11, 2009
Details Plan, Off-Street Parking Plan for 225 State Road	C5.02	Dec. 11, 2009
Details Plan, Off-Street Parking Plan for 225 State Road	C5.03	Dec. 11, 2009
Details Plan, Off-Street Parking Plan for 225 State Road	C5.04	Dec. 11, 2009
Lighting Plan, Off-Street Parking Plan for 225 State Road	ESL.01	Dec. 11, 2009
Turning Movement Exhibit, Off-Street Parking Plan for 225 State Road	EX1.01	Dec. 11, 2009
Turning Movement Exhibit, Off-Street Parking Plan for 225 State Road	EX1.02	Dec. 11, 2009
Turning Movement Exhibit, Off-Street Parking Plan for 225 State Road	EX1.03	Dec. 11, 2009

Conditions of approval are listed below:

1. This plan is approved subject to the Fire Chief of District #3 approving the general layout of the plan. If the Fire Chief requires significant changes as determined by Planning Staff, an amendment to this certificate by the Planning Board is all that is required and not a new parking plan submission.
2. Vehicle carrier delivery locations shall be shown on the plan. Also, a note shall be placed on the plan stating, "Vehicle carriers shall off-load or load vehicles in the designated areas shown on this plan.
3. Driveways on State Road shall not be blocked by gates or other obstructions and an adequate area on-site must remain open for customer parking during non-business hours. A note to this effect shall be placed on the plan.
4. Customer parking spaces need a "C" painted on the pavement in each customer parking space to clearly identify it as a customer parking space. Employee parking spaces need an "E" painted therein.
5. Rock Hill Drive (the paper street that runs north/south through the vehicle storage areas) shall be defined by split rail fences on the property line between the storage areas and the Rock Hill Drive right-of-way line (except for driveway openings). Four 8 foot lengths of split rail fence shall be provided along the west side of Rock Hill Drive and two 8 foot lengths on the east side. The fences and lengths shall be shown on the plan.

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6. The title sheet should incorporate the name of the proposed dealership or vehicle franchise for plan filing purposes.
7. All open-end drainage pipes to headwalls or flared ends from a terminating drainage structure to the ends shall be reinforced concrete pipe.
8. A detail of the storm water treatment unit with the make and model number should be shown on the plans.
9. The existing water service should be shown on the plans. The installation of the proposed hydrant may interfere with the location of the water service.
10. The proposed pipe to the hydrant shall be cement lined ductile iron with a tapping gate and sleeve connection to the existing 10" cast iron water main. This should be noted on the plans.
11. It is unclear what the intent is for the existing sewer manholes and gas trap in the location of the proposed building. These structures should not be contained inside a building and must be relocated if their use is necessary.
12. D.P.W. specifications require that all sewer pumps must be manufactured by E-One Sewer Systems. The installation of these pumps must be located in a protected area outside of the paved parking or travel area.
13. All sewer manhole frames shall be adjusted to the proper grade using Ladtech, Inc. H.D.P.E. adjusting rings. Internal rubber seals as manufactured by Cretex Specialty Products shall be installed between the precast cone section and the manhole metal frame and watertight covers meeting D.P.W. specifications shall be used.
14. The developer will be responsible for filing an "Application for Inspectional Services" with the D.P.W. and pay the required fees to that department to inspect the development. This should be noted on the plans.

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.

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Long-Range Planning

(11) Update on Limited Industrial District zoning

Due to the lateness of the night, and with other administrative items still to be discussed, this item was postponed until the next Planning Board meeting.

Administrative Items

(9) Planning Board's Report with Recommendation on Article 2 for Special Town Meeting January 26, 2010

After considerable discussion, a motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to forward the following recommendation to Special Town Meeting:

Planning Board Report with Recommendation on Article 2 Special Town Meeting, January 26, 2010

The proposed Zoning By-Law was the subject of a public hearing held on January 11, 2010, notice of which was properly published in The Chronicle on December 16, 2009 and December 23, 2009. Notice of the public hearing was also sent to SRPEDD/SEED; Municipal Zoning and Land Use; the Planning Board's of Fall River, New Bedford, Westport, Freetown, and Gosnold; and posted in the Town Office Building.

Article 2 would amend the Dartmouth Zoning By-Laws of the Town of Dartmouth by creating a new "Village Business District" zone and would amend the Zoning Map by changing the existing Limited Business District zone in Padanaram to a "Village Business District".

This bylaw was created by the Padanaram Village Review Committee, which was established by the Planning Board two years ago in response to a recommendation contained in the Town's Master Plan. The Committee consists of volunteers representing such varied interest groups as landowners, residents, and businessmen. The Committee was given the responsibility by the Planning Board to advise the Planning Board on zoning for Padanaram Village.

The Planning Board is very pleased with the results the Padanaram Village Review Committee has produced, especially because of the involvement of so many individuals in the creation of the Village Business District bylaw. This bylaw is one of many actions that need to be taken to restore the vitality and economic future of Padanaram Village.

The current zoning in Padanaram Village is Limited Business, which is located in a few blocks around Elm and Bridge Streets, as shown on a map, which has been attached to the article. The existing Limited Business bylaw has not changed much in over 40 years and was not responsive to the needs of the Village.

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The primary goal of the proposed zoning is to create zoning regulations, which are friendly to small businesses while preserving the local and historical character and scale of the Village. Very importantly, the bylaw clarifies uses and updates standards.

Of further significance, the proposed bylaw attempts to reduce the current onsite parking requirements. The current parking requirements established in the early 1990s are mostly impossible to achieve in a traditional New England Village, which is densely built up with buildings on small lots.

The bylaw also clarifies signage issues, which were raised in the past, and seeks to regulate new buildings so that they will be of a scale and character, which complements the Village.

The Planning Board supports the proposed bylaw based on long term observation of Padanaram Village Review Committee meetings. The Planning Board was kept informed by the Committee of the planning process and rationale for changes. The Planning Board concluded this bylaw is a well thought approach to addressing zoning issues for the Village. As a result the Planning Board wholeheartedly supports the proposed bylaw and recommends favorably on passage of Article 2.

(6) Review of Planning Board's F/Y'11 budget

Discussion resumed on the submission details for next year's fiscal budget. With information provided this evening from Mr. Cressman that there are no plans to provide the office with any additional clerical help, Board members and staff each expressed their thoughts. Staff was to revise the organizational chart, as well as other particulars, and submit the budget to the Executive Administrator.

(10) For Your Information

- Notice of Pictometry Training Online from Planning Director
- Board of Appeals decisions
- Planning staff time sheets

The Chairman asked if there was any other business this evening. There was none. Mr. Sousa noted that the next Planning Board meeting is scheduled for January 25, 2010, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn the meeting.

A motion was made by Mr. Larrivee, seconded by Mrs. Miller, and unanimously voted (5-0), to adjourn this evening's meeting at 11:52 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide