

MINUTES OF REGULAR PLANNING BOARD MEETING OF FEBRUARY 8, 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 all Planning Board members and Planning staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of January 25, 2010

A motion was made by Mr. Toomey, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve the minutes of the regular Planning Board meeting of January 25, 2010 as written.

(2) Invoices

Joseph E. Toomey, Jr. dated January 24, 2010 for \$558.30
re: reimbursement related to MMA Trade Show

Donald A. Perry dated January 23, 2010 for \$169.50
re: reimbursement related to MMA Trade Show

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve payment of the voucher in the amount of \$558.30 for Joseph E. Toomey, Jr. related to his attendance at the annual MMA Trade Show.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve payment of the voucher in the amount of \$169.50 for Donald A. Perry related to his attendance at the annual MMA Trade Show.

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(3) Correspondence

Legal Notices from City of Fall River
Legal Notices from Board of Appeals
Legal Notices from Conservation Commission
Letter from Harmon Law Offices dated February 3, 2010

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

(4) Update on Planning Board's F/Y'10 budget through December

Brief discussion ensued on the monthly update on this fiscal year's budget. The Planning Director noted that the Planning Board's budget is in very good shape and we are more than half way through the fiscal year.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to acknowledge and file the update on the Planning Board's F/Y'10 budget through December.

(5) Request for street determinations on Berkshire Street and Middlesex Avenue

The Planning Director stated that Berkshire Street and Middlesex Avenue are located north of State Road between Route 140 and Wilbur Avenue. The two house lots proposed to be built upon are the only developable lots in this area due to wetlands. With regard to Berkshire Street, Mr. Perry suggested reducing the pavement width from 22 feet to 18 feet based on the recommendation of the Fire Chief which would allow the new road to fit more easily between the existing homes.

With regard to Middlesex Avenue, Mr. Perry recommended a road standard of 12 feet wide paved not gravel, from the end of the existing paved road then up and including 50 feet of frontage for lot 196 which would be approximately at the location of the proposed concrete bounds. This is a total paved road of 165 feet and north of the bounds could be gravel.

Not all Board members were in agreement with the Planning Director's recommendation. Concern was raised that the Fire Chief is now wavering from road standards which had been agreed upon by all the Fire Chiefs while discussing the recently adopted revised Subdivision Regulations. It was noted by one Board member that the Board has already voted a few times to waive road standards similar to this request. Would it be fair to deny this request? Another Board member felt if the Fire Chief has raised no objection, he would be willing to go along with Staff's recommendation.

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After considerable discussion, a motion was made by Mr. Larrivee, duly seconded by Mr. Toomey, and unanimously voted (4-1), to recommend Berkshire Street be paved at least 22 feet wide and Middlesex Avenue be paved at least 12 feet wide which are the standards agreed upon and based on the number of lots being served.

Mr. Haran opposed. Mrs. Miller stated as a result of this vote this evening she will stick with the approved road standards in the future and never make an exception.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted to grant a completion date of December 21, 2011 for both determinations as requested by the applicants, Robert and Robin Pires.

(6) Request by Department of Public Works for street determinations on streets located off Reed Road

The Planning Director noted that Dave Hickox, Director of Public Works, has asked for Planning Board recommendations on street standards for a neighborhood of streets located off Reed Road on the north side of Lake Noquochoke. The standards will be used to determine betterment costs for the neighborhood to decide whether to make the streets public. The streets are: Grove Street, Poplar Street, East Lakeside Avenue, and Pleasant Lane.

He referenced the map included in the Board's packets showing their locations. Mr. Perry noted they are dirt roads and he recommended using the standard road width of 22 feet paved. Mr. Perry also recommended that concrete bounds be placed at all angle points of the streets to clearly mark the right-of-way. He noted it appears from the Pictometry image that there may be encroachments by abutters onto right-of-ways and Mr. Hickox should be made aware that this could complicate public acceptance.

On another matter, the Planning Director stated that Mr. Hickox has also asked for Planning Board advice regarding the sidewalk on Rebecca Lane off Russells Mills Road. The sidewalk is in disrepair and he would like to know if it should be replaced or put back to grass. The Subdivision Regulations require sidewalks when within walking distance of a school and Dartmouth High School is only hundreds of feet away.

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0), to approve the street determination standards for streets located off Reed Road in accordance with the above recommendations of the Planning Director, as well as, recommend the sidewalk be re-built on Rebecca Lane, and so notify the Director of Public Works.

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(7) Discussion on Planning Board's F/Y'11 budget request

Discussion ensued on the departmental budget prepared by Planning Staff. The proposal includes a request to add a part time person to help with clerical duties. Planning Staff is requesting the Planning Board's support for the restoration of a clerical part-time position at approximately 10 hours a week.

Several Board members were in support of this request expressing concern that it is important to have someone trained and capable at least on a basic level to perform certain duties in the Planning Office.

Planning Staff was asked to invite Jason Wentworth, the Finance Committee's liaison to the Planning Board, to the next available Planning Board meeting to discuss the proposed budget with him.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and so voted (4-1) to approve the Planning Board's F/Y'11 budget request as submitted. Mr. Sousa opposed.

(8) Planner's Report

- The Planning Director reported that Mike O'Reilly is trying to put together the Nitrogen Loading Committee but was told by the Select Board's office that there were too many committees and that maybe the Conservation Commission, D.P.W., or Planning Board could be in charge.

The Planning Board recommended that the Planning Director speak with Mike O'Reilly, and if the need arises, both the Planning Board and Conservation Commission could contact the Select Board to ask that the committee be formed as originally requested by Mike O'Reilly.

- The Planning Director reported that Stephen & Co. Hair Designers on Champion Terrace was denied a Board of Appeals variance for additional parking off-site.

A Board member asked the Planning Director to find out the status of the State Police barracks.

- As a result of the Select Board's Special Permit to grant the Town windmills being appealed, Town Counsel suggested if it does not get resolved quickly in court, the Town could propose a zoning bylaw exempting the Town from the need for a Special Permit. This would have to go before Town meeting in June with a recommendation from the Planning Board.
- It was mentioned that Special Employee Status may need to be updated on a regular basis in order to keep track of who is covered.

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- Dave Cressman appears to be leaning towards suggesting that Brady Estates must remain a 40B, especially after hearing the Planning Board and other Boards may not be comfortable with waivers.
- There will be another 40B proposed on the south side of Ledgemont Boulevard which will be the third project proposed by Jim Holding and Ken Steen in this area.

(9) For Your Information/New Business

- Letter from David Cressman
- Planning Board Project Timeline Charts
- Board of Appeals Decisions
- Planning staff timesheets
- A Board member mentioned that the Federal Government did not seize the Jadlowe property on Arch Street and Mr. Jadlowe Sr. is before the Board of Appeals requesting variances. It appears the Board of Appeals may require him to reduce the building height.
- The Chairman was very pleased with the project timeline charts provided by the Planning Director. He asked that this be placed as a regular agenda item.
- Brief discussion on the correspondence from David Cressman, the Executive Administrator, who forwarded an opinion from Town Counsel on the employment status of the Planning Director. ...Pursuant to paragraph 2(e), he is clearly an at-will employee and either the Town or the employee can “terminate employment for any reason upon (30) days written notice...”

Long-Range Planning

(10) Update on Limited Industrial District zoning

Discussion ensued on general concepts the Board wished to incorporate in revising the Limited Industrial zoning district. The Planning Board provided consensus that highest and best uses (medical offices, insurance companies) that need infrastructure should be reserved for Faunce Corner Road and uses which do not need infrastructure (contractors, warehousing) should be placed on Reed or Hixville Roads. Various height limits on 3-storey buildings was explored. It was suggested staff get input from Bill Whalen (Whelan Associates) and Scott Costa (Bufftree Building Company) to see what their threshold for each floor would be.

The height of gable roofs was discussed. It was mentioned that in order to encourage gable roofs maybe no height limit was needed if the gable area was uninhabited. However, it was also mentioned that without a roof pitch limit, gable roofs could be excessively high. This concept will need to be developed further.

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Mr. Haran said he would get more information for the Board regarding storey heights.

The Planning Director felt he received adequate consensus to start developing the bylaw based on tonight's discussion.

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 February 22, 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 Mr. Haran, and unanimously voted (5-0), to adjourn this evening's meeting at 8:46 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide