

**MINUTES OF REGULAR PLANNING BOARD MEETING OF MARCH 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 February 22, 2010**

A motion was made by Mr. Toomey, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the regular Planning Board meeting of February 22, 2010 as written.

**(2) Invoices**

Alphagraphics                      dated March 1, 2010                      for              \$183.00  
re: 4 mounted & laminated maps for meeting room

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve payment of the invoice for Alphagraphics dated March 1, 2010 in the amount of \$183.00.

**(3) Correspondence**

Legal Notices from City of Fall River  
Legal Notices from Conservation Commission

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

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### **(5) Update on Planning Board's F/Y'10 budget through January**

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

### **(6) Update on Project Timeline Chart**

Mr. Haran informed Board members that he dropped off two zoning articles for inclusion on the June Town Meeting warrant. One article proposes to amend the parking standard for medical practitioner offices; the other would amend the parking lot bylaw to allow repaving without approval and so with the proposed amendment to the Waterfront Overlay Zoning District, there would be at least three zoning articles. Mr. Haran also mentioned perhaps amending the Limited Industrial height standard should be done now.

Brief discussion ensued.

A motion was made by Mr. Larrivee, duly seconded by Mr. Toomey, and unanimously voted (5-0) to acknowledge and file the update on the project timeline chart.

### **(7) Request for street determination on Tolland and Lenox Streets**

The Planning Director stated that since the Planning Board's position on these street determinations is to adhere to its standards, Mr. Rahme no longer wanted to meet with the Board but would like the formal recommendation. Mr. Perry recommended the standard be 22 feet wide, which is the Subdivision Regulations standard for 3 or more dwellings to be served. He also noted this is consistent with the existing street pavement leading into the neighborhood which is 21' to 24' wide for Kingston Street.

Discussion ensued.

In examining the Pictometry map of the area, it appeared the lot consisted of significant wetlands. Concern was raised that the lot may not even be buildable. The Board stated that hopefully Mr. Rahme had solid information that the lot was buildable prior to purchasing the lot.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to send the applicant, Gaby Rahme, a letter stating that the Planning Board recommends a pavement width of 22 feet wide for Lenox Street and Tolland Street to the existing pavement on Kingston Street to provide frontage for lot 26 located on Lenox Street. The Planning Board also recommended the applicant consult with the Dartmouth Department of Public Works for paving standards and to approve utilities and drainage. This determination is valid until March 8, 2011.

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### (8) Discussion of amendment to Waterfront Overlay Zoning District

The Planning Director stated that as a result of the recent adoption of the Village Business District, the Waterfront Overlay District will need a minor amendment to make it consistent with the intent of the Village Business District regarding parking standards. Mr. Perry recommended the following underlined language be added to Section 18.500:

The development standards of the underlying zoning district shall apply except that the parking standard for allowed uses in the General Residence District shall be 1.5 parking spaces per employee.

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to sponsor the article for the proposed zoning amendment to the Waterfront Overlay District and forward it to the Select Board's office for inclusion on the June Town Meeting warrant.

### (9) Planner's Report

- The Planning Director informed the Board that Tom Davis is moving forward with the solar panel farm at Dartmouth Heritage Park. It will use 50 acres of industrial land.

Board members expressed disappointment that prime industrial land with infrastructure in place would be used in this way.

At this time, the Chairman noted that the Planning Board would continue this agenda item later this evening after its scheduled Executive Session.

### **Appointment**

#### (4) 7:15 P.M. – EXECUTIVE SESSION - Anthony Savastano: M.G.L., Chapter 39, Section 23B(3) re: South Wharf Subdivision litigation

In a roll call vote, a motion was made by Mrs. Miller, seconded by Mr. Larrivee, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:16 p.m. in order to go into Executive Session regarding on-going litigation concerning the Definitive Subdivision Plan called South Wharf for property located on Elm Street opposite Harbor Street.

Lorri-Ann Miller – yes; Arthur Larrivee – yes; John Haran – yes; Joseph Toomey, Jr. – yes; John Sousa – yes.

The regular meeting resumed at 7:45 p.m.

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### Administrative Items

With Attorney Savastano still present, discussion commenced on a Board of Appeals request received earlier in the day for a joint meeting to discuss amending the covenant for Padanaram Acres.

Town Counsel provided a brief explanation. He pointed out that the original project included a swimming pool but the homeowner's association, by vote of the membership, has voted that they no longer want the pool installed. As an alternative, the developer has agreed to give a sum of money for use by the homeowner's association. However, the original covenant that was signed by both the Planning Board and the Board of Appeals would need to be amended to delete reference to the swimming pool.

Discussion ensued.

Board members did not object to this proposal. It was suggested that this item be placed on the Planning Board's next agenda to formally vote. Town Counsel stated he would prepare an amended covenant for Planning Board endorsement.

#### **(9) Planner's Report (cont.)**

- The Planning Director noted he attended a Finance Committee meeting for Department Heads and the goal is to level fund all departments. The Finance Committee will be discussing the Planning Board's budget request at their meeting of April 1<sup>st</sup>.
- Mr. Perry stated that he has been involved with designing a proposal for play areas and drop-off drives for the Cushman School. The Select Board hopes to use CPC money for the playground.
- The Planning Director mentioned the Planning Board needs to think about who could be the Planning Board's alternate member for Special Permits. Staff will contact Kathy DelSordo to see if she would still like to continue to be the Board's alternate member.

#### **(10) For Your Information/New Business**

- Public hearing notice for Autumn Glen Assisted Living
- Board of Appeals Decisions
- Planning Staff timesheets

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### Long-Range Planning

#### (11) Limited Industrial District zoning

The remainder of the meeting was spent discussing the draft bylaw outline for a new Office Industrial District. This district would be located along Faunce Corner Road with the boundaries to be delineated at a future meeting. The Limited Industrial District would be left in the remaining areas currently zoned Limited Industrial.

Mr. Perry requested direction on the following:

1. An appropriate name for the new district.
2. Is the draft Purpose what the Board is trying to accomplish with the new district?
3. Review the allowed uses and approve, delete, or add. Once the list is finalized, Planning Staff will develop language for each use.
4. Review the Special Permit uses, and approve, delete, or add. Once the list is finalized, Planning Staff will develop language for each use.
5. Review the list of Development Standards and approve, delete, or add. Once the list of standards is finalized, Planning Staff will develop language for each standard.

The Board provided comments on each section.

The Planning Director stated he would incorporate into the bylaw suggestions from this evening's discussion.

Prior to adjourning, Board members discussed the possibility of having DCTV video Planning Board meetings held in room #315. Since the Select Board have been meeting weekly, the Planning Board meetings are no longer televised.

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 March 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 9:30 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide