

MINUTES OF REGULAR PLANNING BOARD MEETING OF APRIL 5, 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 March 22, 2010

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

(2) Invoices

W.B. Mason dated March 19, 2010 for \$154.71
re: miscellaneous office supplies

Postmaster dated April 5, 2010 for \$105.00
re: postage stamps

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve payment of the above referenced invoices.

(3) Endorsement of Approval Not Required (ANR) Plans

Nicholas Psychopaidos Russells Mills Road dated March 23, 2010

The Planning Director stated that this ANR plan is for property located at the corner of Russells Mills Road and Rogers Street. It creates two lots. One with an existing 3-family house and one new buildable lot. Both lots were granted variances for frontage and area.

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Mr. Perry noted that the plan is consistent with the Board of Appeals variance and 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 Nicholas Psichopaidos for property located on Russells Mills Road and dated March 23, 2010.

(4) Correspondence

Legal Notices from City of Fall River
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. Larrivee for discussion, and unanimously voted (5-0), to acknowledge and file the above referenced legal notices.

(7) Update on Planning Board's F/Y'10 budget through February

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

(8) Update on Project Timeline Chart

A Board member questioned whether Town Counsel has completed his review on the Section 16 update. Mr. Perry said he hasn't received Town Counsel's review yet and he would follow-up this week with Town Counsel.

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

(10) Planner's Report

- In response to a Board member's question whether utilities could be placed in the open space of an OSRD development, Mr. Perry said it could. As long as in the opinion of the Planning Board, it does not interfere with the use of the open space.
- The Planning Director met with Paul Sellers from NSTAR, who is a professional arborist, to go over the tree trimming on Hixville Road. Mr. Perry agreed with how the trimming would take place. There were a few larger branches, and the Planning Director wanted to make sure the Planning Board was comfortable with their removal. The Planning Board said as long as the Planning Director was comfortable, they would be too. Mr. Perry said the tree trimming would not be detrimental.

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- New plans have been received for the Lincoln Park 40R. There is a visibility problem with the new entrance/exit into the site at Reed Road. The hill there creates a visibility issue at the intersection and needs to be addressed by the developer.
- The Planning Director reminded the Planning Board there is a Finance Committee meeting this Thursday at 6:30 p.m. to discuss the Planning Board's F/Y'2011 budget.

(11) For Your Information/New Business

- Planning Staff timesheets

Appointments and Public Hearings

(5) 7:15 P.M. – APPOINTMENT – Lee Castignetti, Jr.: Request to release swimming pool surety posted for Farm Field/Still Meadow Condominiums at Padanaram Acres

present Lee Castignetti, Jr., Long Built Homes, Inc.

The Planning Director stated Lee Castignetti is here this evening to ask the Board to release some funds being held by the Town for construction of the swimming pool at Padanaram Acres. The Planning Board has previously voted to amend the performance covenant eliminating the requirement to build a swimming pool and the pool funds amount to \$86,000.

Mr. Castignetti explained that when Long Built Homes took over this project, the homeowners were contemplating whether to build the pool. He said the association by majority vote initiated a change to not go forward with the construction of the pool and related facilities. He said if the Planning Board agrees this evening to release those funds, the entire amount would be released to the association of the condominium unit owners to be used as they see fit.

Discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted to release \$86,000. of the surety posted on the Farm Field/Still Meadow Condominium project at Padanaram Acres leaving a balance of \$34,000.

(6) 7:30 P.M. – PUBLIC HEARING - Request to reactivate a Special Permit for 25 special care units (Alzheimer's) being added to the existing Autumn Glen Assisted Living Facility located at 239 Cross Road

In a roll call vote, a motion was made by Mr. Larrivee, seconded by Mrs. Miller and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:30 p.m. in order to go into a public hearing concerning a request to reactivate a Special Permit for 25 special care units (Alzheimer's) to the existing Autumn Glen Assisted Living facility

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located at 239 Cross Road.

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

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

Administrative Items

(9) Action on Special Permit amendment for the Autumn Glen Assisted Living Facility located on 239 Cross Road

Following the close of this evening's public hearing, a motion was made by Mrs. Miller, duly seconded by Mr. Haran and so voted (5-0) by roll call vote to approve the Special Permit amendment for the Autumn Glen Assisted Living facility at 239 Cross Road in accordance with the following:

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

CERTIFICATE OF ACTION TO AMEND A SPECIAL PERMIT FOR AN ASSISTED LIVING FACILITY PREPARED FOR NORTHBIDGE DARTMOUTH ASSISTED LIVING, LLC

There was a Planning Board public hearing which was opened on Monday, April 5, 2010 and closed on Monday, April 5, 2010. The public hearing concerned the application of Raymond P. Mitrano for Northbridge Dartmouth Assisted Living, LLC, 15 Third Avenue, Burlington, MA 01803 for property owned by same as shown on Assessor's Map 56, Lots 5 and 5-1. The applicant is requesting to reactivate the Special Permit which was granted by the Planning Board on September 15, 2008 and which expired. The proposal is an amendment to allow the construction of 25 special care Alzheimer units to the existing Autumn Glen Assisted Living facility located at 239 Cross Road, Dartmouth, MA 02747. The plan is entitled "Special Permit Amendment Application for Autumn Glen Assisted Living" and dated August 15, 2008 rev. February 2, 2010. Complete copies of the minutes of the public hearing and discussion of the Planning Board decision are available in the Town Clerk and Planning Board offices.

DECISION

At its regular meeting of April 5, 2010 and after the close of the above described public hearing, the Planning Board voted under the authority of Section 4B.304 of the Dartmouth Zoning By-Laws by roll call vote: Mrs. Miller – yes, Mr. Sousa – yes, Mr. Toomey – yes, Mr. Haran – yes, Mr. Larrivee – yes, to amend the Certificate of Action for an assisted living facility known as Heritage at Dartmouth, 239 Cross Road, Dartmouth, MA 02747 said original certificate dated October 1, 1996 and filed in the Dartmouth Town Clerk's office on October 4, 1996.

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The Special Permit was amended to allow construction of 25 special care (Alzheimer's) units with parking as shown on a plan entitled "Autumn Glen Assisted Living" dated August 15, 2008, and as described below.

The Planning Board finds that the amendment is in harmony with the purpose and intent of the Zoning By-Laws, and that it will promote the purpose of Section 4B.304 – Assisted Elderly Housing. The Board finds that the plan is in harmony with this section because:

A. The scale of the proposal does not detract from the residential character of the neighborhood.

The scale of the proposal fits in with the neighborhood. The Potter School and the Crossroads housing are two existing uses in the neighborhood with a larger scale. The 25 unit addition matches the context and scale of the existing facility which is set back approximately 500 feet from the road and does not detract from the residential character of the neighborhood.

B. The architecture of buildings is residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint and varied façade. Alternate architectural styles or materials can be considered if appropriate to the site not out of character with the neighborhood.

The architecture of the building will be detailed in the vernacular of the existing facility utilizing wood siding, trim and window patterns of similar style and site-lines.

C. Public or private roads, which lead to the property, are of adequate design, width and condition to handle proposed traffic.

Cross Road is the primary access to the site and is a primary Town road. In front of the site, the road has been serving the site for twelve years and is adequate enough to handle traffic leading into and out of the site. Other leading roads are Route 6 (a State highway) and Faunce Corner Road (another highly improved road).

D. Proposed traffic will not severely change the residential character of the neighborhood.

The proposed addition will be occupied primarily by residents with Alzheimer's disease or other related dementias and will not be traveling to or from the facility under their own accord. Cross Road is already a heavily traveled road influenced by the commercial development on Route 6. Additional traffic from this development would not be significant.

E. The Board of Health confirms that the assisted elderly housing can be accommodated with respect to on-site water, on-site septic disposal and any other standards of the Board of Health.

The addition will utilize the existing municipal sewer and water service provided to the site. Board of Health regulations regarding food preparation will meet the requirement established for the current facility, which operates a full kitchen and dining facility.

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- F. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas (beyond Section 16 requirements) within the parking area to reduce the impact of large paved areas.**

Parking areas will be integrated into the existing site plan and screened from primary views by the orientation of the proposed structure and key landscape elements.

- G. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.**

The existing sign configuration will be utilized to identify the existing and proposed addition.

- H. All lighting units shall be located no higher than 14 feet with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.**

Additional site lighting will match existing and be of a downward directing cut off type fixture.

- I. The maximum number of residential units or beds allowed on a site shall be determined by the Planning Board based on such factors as, but not limited to, impact on the neighborhood, affordability for residents, quality of life, and provision for adequate open space, recreational facilities, parking, landscaping, and buffers. No private unit shall be larger than 800 square feet.**

Apartments will vary in size with studios containing approximately 366 square feet, one bedroom 455 square feet and two bedrooms 612 square feet. The number of residential units is appropriate for this site and can be generously accommodated on this site with respect to open space, buffers, and parking. Walking trails exist on the site and will be maintained as part of this expansion.

- J. Section 16 Off-Street Parking requirements apply except that if the site plan submitted to the Planning Board meets off-street parking plan submittal requirements, the site plan approved in the Special Permit process shall be the approved Off-Street Parking Plan. Parking spaces shall be provided at the rate of .3 per unit and one for each employee on the largest shift.**

- *48 parking spaces currently serve the existing facility.*
- *59 spaces are required to serve the existing and proposed addition.*
- *67 spaces will be provided.*

The Planning Board grants the Special Permit amendment for "Autumn Glen" with the following conditions and restrictions:

1. The Board grants the Special Permit amendment in substantial conformance with the plan entitled "Special Permit amendment application for Autumn Glen Assisted Living" which consists of the following plans:

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<u>Sheet</u>	<u>Title</u>	<u>Date</u>
--	Cover Sheet	8/15/08 rev. 2/02/10
EX-1	Existing Conditions, Index Plan	9/12/08
EX-2	Existing Conditions Survey	9/12/08
EX-3	Existing Conditions Survey	9/12/08
L000	Overall Site Plan	8/15/08 rev. 2/02/10
L001	Layout, Material, Parking & Driveway Plan	8/15/08 rev. 2/02/10
L002	Grading, Drainage, and Utilities Plan	8/15/08 rev. 2/02/10
L003	Planting Plan	8/15/08 rev. 2/02/10
L004	Site Details 1	8/15/08 rev. 2/02/10
L005	Site Details 2	8/15/08 rev. 2/02/10
L006	Site Details 3	8/15/08 rev. 2/02/10
A1.01	Existing Conditions Photos	2/02/10
A1.02	Floor Plan, Roof Plan, Building Section	2/02/10
A1.03	Typical Unit Layouts	2/02/10
A1.04	Architectural Renderings	2/02/10

2. This is an amendment to the previously approved Special Permit and all previous conditions or restrictions of the original Special Permit and subsequent amendments still apply.

3. No building permit can be issued until:
 - A. Three sets of the approved plans are delivered to the Planning Office.
 - B. A letter is received from the Water and Sewer Billing Office that water and sewer utility fees are paid for any additional flows into the Town's system.
 - C. A copy of the recorded Special Permit amendment decision is provided to the Planning Board and Director of Inspectional Services.
 - D. The Director of Inspectional Services receives a letter from the Planning Office stating that conditions A. and C, above have been met.

4. No occupancy permit can be given by the Director of Inspectional Services until both the Planning Board and Department of Public Works confirm in writing that the project is substantially constructed in accordance with the approved plans.

Substantial use of the Special Permit amendment shall be commenced or construction begun except for good cause, within eighteen (18) months from the date of filing of the Planning Board decision in the Office of the Town Clerk. A reasonable extension of said time shall be granted by the Planning Board in the case of an appeal to the Superior Court under Massachusetts General Laws (M.G.L.), Chapter 40A, Section 17.

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Appeals, if any, shall be made pursuant to M.G.L., Section 17, Chapter 40A, and shall be filed within twenty (20) days after date of filing of such notice in the Office of the Town Clerk.

The Special Permit amendment does not become effective until the Town Clerk certifies that no appeal of the decision has been filed in Superior Court within the 20-day statutory appeal period; or that if an appeal has been filed, it has been dismissed or denied and a certified copy of the decision is recorded in the Bristol County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

The applicant or petitioner is responsible for filing the certified decision in the Registry of Deeds and for paying the recording fees.

Long-Range Planning

(12) Review of revised draft Office Industrial District bylaw

In response to comments from the last Planning Board meeting, the Office Industrial District bylaw was revised. The Board reviewed the changes. There was discussion on Section 14A.209 Manufacturing Retail Outlets. It was agreed to amend the maximum allowed floor area to 2,500 s.f.

Before the draft bylaw is sent to reviewers, the Planning Board decided it should define the boundaries of this district. Mr. Perry would prepare maps for the next meeting.

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 April 12, 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 Mrs. Miller, seconded by Mr. Larrivee, and unanimously voted (5-0), to adjourn this evening's meeting at 8:22 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide