

**MINUTES OF REGULAR PLANNING BOARD MEETING OF SEPTEMBER 13, 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. John P. Haran, Vice Chairman  
Mr. Joseph E. Toomey, Jr., 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 at 7:04 p.m.

**Administrative Items**

**(1) Approval of Minutes**

**Regular Meeting of August 9, 2010**

A motion was made by Mr. Larrivee, duly seconded by Mrs. Miller for discussion, and unanimously voted (4-0) to approve the minutes of the regular Planning Board meeting of August 9, 2010 as written.

**(2) Invoices**

Southcoast Media Group                      dated August 29, 2010    for \$184.00  
re: legal advertising for Town Meeting zoning articles

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (4-0) to approve payment of the above referenced invoice.

**(3) Correspondence**

Legal Notices from City of Fall River  
Legal Notices from City of New Bedford  
Legal Notices from Town of Westport  
Legal Notices from Board of Appeals  
Legal Notices from Conservation Commission

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (4-0), to acknowledge and file the above referenced legal notices.

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### (4) Endorsement of Approval Not Required (ANR) Plans

St. Catherine's Convent, Inc. Tucker Road dated August 3, 2010

The Planning Director stated this ANR plan is for property located on the west side of Tucker Road just south of Fairway Drive. It creates two lots, each with an existing residence. Both lots comply with the Single Residence B zoning requirements for frontage and area. He recommended plan endorsement.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (4-0) to endorse the ANR plan prepared for St. Catherine's Convent, Inc. for property located off Tucker Road dated August 3, 2010.

Gary & Jo-Ann Bouchard Chase Road dated August 10, 2010

Mr. Perry pointed out this ANR plan is for property located on the east side of Chase Road just south of Old Westport Road. It creates one new lot with an existing house on it that meets the minimum frontage and area requirements of the Single Residence B district. The remaining land (Parcel A) which is 20 acres, is labeled non-buildable due to insufficient frontage. He mentioned that Parcel A will be submitted as an OSRD subdivision in the near future.

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (4-0) to endorse the ANR plan prepared for Gary & Jo-Ann Bouchard for property located on Chase Road dated August 10, 2010.

Mr. Toomey arrived at this time being 7:04 p.m.

William Hallenbeck, Jr. Mishaum Point Road dated August 24, 2010

The Planning Director noted this ANR plan is for property located off Mishaum Point Road just west of Smith Neck Road. It creates no new buildable lots. He mentioned the two parcels being created are to settle an inheritance and both lots are labeled "non-buildable." The plan can be endorsed.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to endorse the ANR plan prepared for William Hallenbeck, Jr. for property located on Mishaum Point Road dated August 24, 2010.

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Mishaum Nominee Trust      Mishaum Point Road      dated August 31, 2010

Mr. Perry stated this ANR plan is for property located on Mishaum Point Road and adjusts a common lot line by 3 feet. The 3 foot adjustment will increase the frontage of the receiving lot so that the lot will meet the minimum 200 feet frontage requirement for the Single Residence B zoning district. It creates no new buildable lots. He recommended the plan be endorsed.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0) to endorse the ANR plan prepared for Mishaum Nominee Trust for property located on Mishaum Point Road dated August 31, 2010.

### **Appointments & Public Hearings**

- (5) **7:10 P.M. – APPOINTMENT – Ken Ferreira, representing Bishop Stang High School: Request for temporary classroom approval in Bishop Stang parking lot.**

Present    Ken Ferreira, Ken Ferreira Engineering, Inc.

The Planning Director stated that Bishop Stang is embarking on an interior renovation program and needs to provide temporary classroom space. He noted the temporary classrooms are proposed for the rear of the building on parking spaces adjacent to the building. Mr. Perry stated the Planning Board must find that the proposed location does not disrupt pedestrian or vehicular circulation of the parking facility.

Ken Ferreira provided more detailed information about the project and a general discussion ensued.

A motion was made by Mr. Larrivee, duly seconded by Mrs. Miller, and unanimously voted (5-0) to approve an off-street parking plan which shows temporary classrooms located to the east (rear) of the Bishop Stang High School building on Slocum Road. The approved plans are entitled "Temporary Classroom Site Plan" dated July 29, 2010 revised to August 24, 2010 consisting of two sheets (BP1 and BP2). The Planning Board determined that the temporary classrooms would not adversely affect pedestrian or vehicular movement particularly because they are temporary. The Planning Board approved the temporary siting of the classrooms at the locations shown on the plans for 2 years from September 13, 2010 to September 13, 2012. Any need to extend use of the temporary classrooms beyond September 13, 2012 would require a new review and approval by the Planning Board.

### **Administrative Items**

- (7) **Update on Project Timeline Chart**

The Planning Director mentioned he received a call from Town Counsel and he may be attending tonight's public hearing.

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The Chairman added he just spoke with Town Counsel in the hallway and he is here to attend the public hearing.

In looking at the project timeline chart, a Board member questioned the task labeled "Town Counsel's legal review" which was marked done. The notification of individuals affected by the zoning changes was also discussed and clarified.

### **(8) Approval of Planning Board's meeting schedule thru December**

A motion was made by Mr. Larrivee, duly seconded for discussion by Mrs. Miller, and unanimously voted (5-0) to approve the following Planning Board meeting schedule thru December 2010:

Monday, September 6, 2010	-	NONE – LABOR DAY
Monday, September 13, 2010	-	Regular Meeting/Long Range Planning
Monday, September 20, 2010	-	NONE
Monday, September 27, 2010	-	Regular Meeting/Long Range Planning
Monday, October 4, 2010	-	NONE
Monday, October 11, 2010	-	NONE – COLUMBUS DAY
Monday, October 18, 2010	-	Regular Meeting/Long Range Planning
Tuesday, October 19, 2010	-	FALL ANNUAL TOWN MEETING
Monday, October 25, 2010	-	NONE
Monday, November 1, 2010	-	Regular Meeting/Long Range Planning
Monday, November 8, 2010	-	NONE
Thursday, November 11, 2010	-	VETERANS DAY
Monday, November 15, 2010	-	Regular Meeting/Long Range Planning
Monday, November 22, 2010	-	NONE
Monday, November 29, 2010	-	NONE – THANKSGIVING HOLIDAY
Monday, December 6, 2010	-	Regular Meeting/Long Range Planning
Monday, December 13, 2010	-	NONE
Monday, December 20, 2010	-	Regular Meeting/Long Range Planning
Monday, December 27, 2010	-	NONE
Monday, January 3, 2011	-	NONE

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

- The Planning Director mentioned the Dartmouth Community Park is under construction and the Community Preservation Committee funded the playground equipment subject to Town Meeting approval.

At this time, the Chairman mentioned that this agenda item will be continued after tonight's scheduled public hearing.

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- (6) **7:30 P.M. – PUBLIC HEARING - Proposed zoning articles for Fall Annual Town Meeting. The first zoning article clarifies that temporary “for sale” signs and real estate development signs are allowed by right in Commercial and Industrial Districts. The second zoning article creates a new Office Industrial Zoning District for Faunce Corner Road, north of the railroad tracks, from land that is currently zoned Limited Industrial.**

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to recess the regular meeting at 7:30 p.m. in order to go into the public hearing<sup>1</sup> on the proposed zoning amendments to the Dartmouth Zoning By-Laws for Fall Annual Town Meeting.

The regular meeting resumed at 8:55 p.m.

### **Administrative Items**

- (9) **Planning Board’s Report with Recommendation on zoning articles for Fall Annual Town Meeting**

Brief discussion focused on scheduling another Planning Board meeting this week to review and approve the revised zoning articles as agreed upon at this evening’s public hearing with Town Counsel. Since most Board members were planning to attend Town Counsel’s seminar on the Open Meeting Law scheduled on September 16<sup>th</sup> at 6:30 p.m., the Planning Board decided to hold a meeting on Thursday, September 16, 2010 at 6:00 p.m. in the Town Hall to review the revised language and vote to approve the final version for the warrant.

Mr. Perry said there was time to post the meeting.

The Planning Board postponed action on making its Report with Recommendation to Town Meeting until its meeting of September 27, 2010.

- (10) **Planner’s Report (cont.)**

- Mr. Perry reported on his recent meeting with the Dartmouth Charter Review Committee. He mentioned several departments were present and discussion seemed focused on elected vs. appointed Boards. The Planning Director brought to the Committee member’s attention that clear language needs to be provided to eliminate staff conflict as a result of differences between independent Boards and a centralized manager.
- The Planning Director mentioned Dave Cressman is interested in developing a mixed use bylaw for State Road. Board members recalled a previous attempt to

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<sup>1</sup> For more information, see minutes of the Planning Board’s public hearing of September 13, 2010

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rezone State Road and how it was not well received. The Board told Mr. Perry to ask Dave Cressman to put his request in writing with an explanation of the purpose and goals of mixed use zoning and what he is looking to accomplish.

### (11) For Your Information/New Business

- Notice from David Cressman re: Town Hall seminar on Open Meeting Law
- Notice from Commonwealth of Massachusetts re: Permit Extension Act of 2009
- Memo from David Cressman re: Board of Appeals staff arrangement
- Planning Staff timesheets

Mr. Haran said he is in the process of scheduling another meeting with Paul Vigeant to continue dialogue on a biotech facility in Dartmouth.

It was mentioned that the landowners at Dartmouth Heritage Industrial Park would be interested in applying expedited permitting to their property.

The Chairman asked if there was any other business this evening. There was none. Mr. Sousa reminded Board members that they will be meeting again this Thursday, September 16<sup>th</sup> at 6:00 p.m., Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mr. Larrivee, seconded by Mr. Haran, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:25 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide