

**MINUTES OF REGULAR PLANNING BOARD MEETING OF FEBRUARY 28, 2011  
Held at 7:00 p.m., Planning Board Meeting 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.

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of February 7, 2011

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (4-0) to approve the minutes of the regular Planning Board meeting of February 7, 2011 as written.

Public Hearing of February 7, 2011 "Amendment to Riverside Woods"

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and unanimously voted (4-0) to approve the minutes of the Planning Board's public hearing of February 7, 2011 "Amendment to Riverside Woods" as written.

**(2) Correspondence**

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

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (4-0) to acknowledge and file the above referenced correspondence.

Mr. Toomey arrived at this time being 7:02 p.m.

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

R. Bogusky & B. Purdy                      Rock O'Dundee Road                      February 16, 2011

The Planning Director stated that this ANR plan is for property on Rock O'Dundee Road just east of Bakerville Road. It creates some non-buildable parcels which will be conveyed between two adjoining lots. He mentioned the purpose of the plan is to reconnect the septic system with the house lot, which was inadvertently separated into another parcel. Mr. Perry recommended the plan be endorsed.

A motion was made by Mr. Haran, duly seconded by Mrs. Miller, and so voted (4-1) with Mr. Larrivee opposed, to endorse the Approval Not Required Plan for Ronald Bogusky and Barbara Purdy dated February 16, 2011 for property located off Rock O'Dundee Road.

Antone Theodore                              Lucy Little Road                              February 1, 2011

Mr. Perry explained this ANR plan is for property on Lucy Little Road at the sharp bend with the stonewalls and fruit trees. It creates an estate lot and a conventional lot with an existing residence. He noted all lots comply with the Single Residence B zoning and 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 Approval Not Required Plan for Antone Theodore dated February 1, 2011 for property located off Lucy Little Road.

### Appointments

#### (4) 7:05 P.M. – APPOINTMENT – Margaret Sweet: Request for extension on deadline to complete required improvements for Definitive Subdivision Plan entitled "Taber's Way"

The Planning Director stated that Margaret Sweet, the owner of an approved 3-lot subdivision off Horseneck Road, is present tonight to request a 1-year time extension to complete required improvements in the Definitive Subdivision entitled "Taber's Way". The reason she is asking for an extension is because subdivision protection for the approved road standard (a 12-foot wide gravel road) runs out after 8 years, which is March 3, 2011. He mentioned the Fire Chief for District #2 has provided correspondence approving the 12-foot wide gravel road standard.

Discussion ensued.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0) to allow the approved road standards as shown on the Taber's Way Subdivision Plan be extended for another year to March 3, 2012.

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### (7) Update on F/Y11 budget through January

At this time, Mrs. Miller asked if there is enough funds in the budget to send the Planning Director to a 1-day Planning and Zoning seminar in Worcester in March.

It was confirmed that there was, and the Planning Director agreed the educational seminar would be very valuable.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to acknowledge and file the Planning Board's F/Y11 budget update through January.

### (8) Update on Project Timeline Chart

The Planning Director stated that tonight we will be discussing the proposed zoning articles shown on the timeline charts according to the schedule.

### (9) Approval of Planning Board meeting schedule thru June

After brief discussion, a motion was made by Mr. Haran, duly seconded by Mr. Toomey and unanimously voted (5-0) to approve the following meeting schedule:

Monday, March 7, 2011	-	NONE
Monday, March 14, 2011	-	Regular Meeting/Long Range Planning
Monday, March 21, 2011	-	NONE
Monday, March 28, 2011	-	Regular Meeting/Long Range Planning
Monday, April 4, 2011	-	Regular Meeting/Long Range Planning
Monday, April 11, 2011	-	NONE - APA CONFERENCE
Monday, April 18, 2011	-	NONE – PATRIOT'S DAY
Monday, April 25, 2011	-	Regular Meeting/Long Range Planning
Monday, May 2, 2011	-	NONE
Monday, May 9, 2011	-	Regular Meeting/Long Range Planning
Monday, May 16, 2011	-	NONE
Monday, May 23, 2011	-	Regular Meeting/Long Range Planning
Monday, May 30, 2011	-	NONE - MEMORIAL DAY
Monday, June 6, 2011	-	Regular Meeting/Long Range Planning
Tuesday, June 7, 2011	-	ANNUAL JUNE TOWN MEETING
Monday, June 13, 2011	-	NONE
Monday, June 20, 2011	-	Regular Meeting/Long Range Planning
Monday, June 27, 2011	-	NONE
Monday, July 4, 2011	-	NONE - FOURTH OF JULY

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### (10) Planner's Report

- The Paskamansett Landing parking lot on Russells Mills Road will soon be surfaced with shells and gravel. Since the Planning Board approves parking lots, the Planning Board should be aware of why construction activity is occurring there.
- Mr. Perry briefed the Board on the recent Bike Seminar he attended in Fall River. He said the regional bike trail will stretch from Providence to Cape Cod. The seminar was very well attended by various representatives from several towns. The proposed route through Dartmouth Would be adjacent to the rail line north of I-195 with a spur to U-Mass Dartmouth following the powerlines.
- There is a proposal to re-construct the Cumberland Farms at the corner of Rockdale Avenue and Dartmouth Street. It should be a substantial improvement over the existing situation since an adjacent property was purchased for more room. The proposal will come before the Planning Board for a parking plan review.

### (5) 7:15 P.M. – APPOINTMENT – Deborah Wender (Director of Development) & Bobbi Cesternino (Dartmouth Towne Center): Discussion of draft Directional Sign Bylaw

Present: Deborah Wender, Director of Development  
Steven Gioiosa, SITEC, Inc., representing Dartmouth Towne Center

The Planning Director stated that Deborah Wender, Dartmouth's Director of Development and Steven Gioiosa, for Dartmouth Towne Center, are present this evening to discuss a proposed Directional Sign By-Law that would allow additional signs be erected throughout parking facilities to help direct people to various destinations.

Extensive discussion ensued. Various Board members expressed their views and concerns with the draft bylaw. Board members reached a consensus on the following and recommended the bylaw be revised accordingly:

1. Clarify the intent of the bylaw by adding phrases such as:
  - a. The intent of this section is to provide direction not advertisement.
  - b. Wherever possible, identities should be consolidated on one sign.
2. Make it clear both sides of the 16 square foot sign can have a message.
3. Add wording "When applying for a directional sign approval only, under a Section 16 application, the Planning Board review is limited to the sign approval and not parking facility review."

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4. Throughout the bylaw after the first sentence, the word “directional” should precede the word “sign”.

### **(6) 7:30 P.M. – APPOINTMENT – Roger Race (Alternate Energy Committee): Discussion on draft Solar Farm Bylaw**

Present Roger Race, Chairman of Alternate Energy Committee  
Deborah Wender, Director of Development

The Planning Director mentioned Roger Race was invited this evening to informally discuss the proposed Solar Farm Bylaw. This bylaw would allow solar farms by-right as long as the development standards are adhered to.

Lengthy discussion ensued on the merits of the bylaw. Various areas of concern were identified and it was suggested the bylaw be revised to address the following:

1. Under Section 37.601A Removal Requirements, make sure all structures are removed and include structures listed under Section 37.408.
2. Add somewhere that only “green” cleaning products will be used.
3. Require containment pits for any areas/structures that use oil. In particular, the bylaw must note that oil used or stored for solar energy purposes is exempt from any prohibition under the Aquifer Protection District Bylaw, Section 20.503. The containment pit should contain 110% of oil used (see Section 20.503) of the Aquifer Protection District Bylaw.
4. Correct the spelling error for Photovoltaic, Section 37.501.
5. Under Section 37.409 add a sentence that top soil will not be removed from the site.

### **Administrative Items**

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

- Notice from the Attorney General’s office re: Fall Town Meeting zoning articles
- Notice from the Department of Housing & Community Development re: The Village at Lincoln Park 40R Project
- Memo from Zoning Board of Appeals re: Resignation of Board member, Roger Tougas
- Legal Notice of public hearing for application of Mark & Marta Nunes
- Legal Notice of public hearing for application for “The Village at Cedar Dell”
- Planning Staff timesheets

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Lorri Miller reported that she would like Planning Board input on a survey from SRPEDD regarding changes to the zoning and subdivision State enabling laws that are being proposed (the Comprehensive Land Use Act). It was decided each Board member would fill out the survey and return it to the Planning Office by Thursday, March 10<sup>th</sup> and Mrs. Miller could then pick them up on Friday, March 11<sup>th</sup>.

A brief discussion commenced on the Attorney General's changes to the right to farm language in the newly passed Office Industrial District zoning bylaw. It was agreed, the Agricultural Commission needs to look at the changes and make recommendations for updating the other agricultural right to farm sections of the Zoning Bylaws.

Mr. Haran noted the next Charter Review Meeting is this Wednesday night.

It was the consensus of the Planning Board that the Planning Director re-establish the development and review committee which consists of various Town Departments.

### **(12) Review of proposed Section 16 - Off-Street Parking Plan Regulations**

Due to the time, this agenda item was postponed until the next Planning Board 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 March 14, 2011, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mr. Haran, seconded by Mr. Toomey, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:55 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide