

**MINUTES OF REGULAR PLANNING BOARD MEETING OF MARCH 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 all Planning Board members and Planning staff present.

Appointments & Public Hearings

(1) 7:00 P.M. – APPOINTMENT – Attorney Anthony Savastano and Deborah Melino-Wender: Board of Appeals reviews and draft reports

Present: Attorney Anthony Savastano, Town Counsel
Attorney Brian Cruise, Savastano Law Firm
Deborah Melino-Wender, Director of Development

Attorney Savastano requested to be placed on the agenda to discuss the reason he is taking a more active role in the review of Board of Appeals applications. He explained the intent was to have a discussion of issues in a group setting with various Town departments to prevent potential conflicts between Board's in the decision making process. He spoke about miscommunication, conflict of interest, and expressed a viewpoint that the Planning Director in his reports to the Board of Appeals should not be practicing law and issuing legal opinions. Attorney Savastano also spoke about the Open Meeting Law, indicating that unless an item is listed on the agenda, there cannot be any discussion.

Mr. Perry was asked to respond but declined due to the overwhelming number of issues brought up, asking that Town Counsel put his concerns in writing and then he will reply. The Planning Director indicated he would respond for the next Board meeting.

(2) 7:15 P.M. – CONTINUED PUBLIC HEARING – Proposed Definitive Subdivision Plan entitled “The Village at Cedar Dell” to be located on the east side of Fisher Road just south of Old Westport Road

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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 7:45 p.m. in order to go into a public hearing¹ concerning a Definitive Subdivision Plan entitled "The Village at Cedar Dell".

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

The regular meeting resumed at 7:49 p.m.

Administrative Items

(6) Initial review of Definitive Subdivision Plan entitled "The Village at Cedar Dell"

As a result of this evening's continued public hearing in which all outstanding concerns were resolved, the Planning Director recommended the Board approve the Definitive Subdivision Plan entitled "The Village at Cedar Dell."

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve pursuant to M.G.L., Chapter 41 (The Subdivision Control Law), the Definitive Subdivision Plan entitled "The Village at Cedar Dell" for property located off Fisher Road just south of Old Westport Road. The plan consisting of five sheets was prepared by SITEC, Inc. for Cedar Dell LLC, 651 Orchard Street, New Bedford, MA 02744 and submitted to the Planning Board office on February 15, 2011.

The approved Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Title Sheet	--	January 19, 2011
The Village at Cedar Dell		
Definitive Subdivision Plan of Land	1 of 1	January 19, 2011
The Village at Cedar Dell		
Street & Utilities Plan for Cedar Dell Way	1 of 3	January 19, 2011
The Village at Cedar Dell		
Overall Site Grading	2 of 3	January 19, 2011
The Village at Cedar Dell		
Detail Sheet	3 of 3	January 19, 2011
The Village at Cedar Dell		

The Definitive Plan shall conform in all respects with the applicable Subdivision Regulations of the Planning Board and current D.P.W. Construction Specifications.

¹ For more information, see minutes of Planning Board's Cont. P. H. of March 28, 2011 "The Village at Cedar Dell"

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In accordance with M.G.L., Chapter 41, Section 81-R, and as part of the Board's approval of said plan, the following waivers from its Subdivision Regulations were granted:

Section 3.106 – Drainage Calculations – are not necessary since the subdivision was reviewed for drainage during the 40B process.

Section 3.109 – Special Account Fee – is not necessary since the subdivision was reviewed for drainage during the 40B process.

Section 3.303(i) Right of Way Width - to allow a 40 foot right-of-way where 50 feet is required. This waiver is granted because the 40 foot width was approved through the 40B process and lots have already been sold with building setbacks established from the 40 foot right-of-way.

Section 3.303(k) Turnarounds – to allow a 60 foot right-of-way radius and 40 foot roadway centerline radius where 70 feet and 45 feet are required respectively. This waiver is granted because these dimensions were approved through the 40B process and it would be impractical to retrofit the subdivision now. It is important to note the Fire Chief accepts the reduced dimensions which indicate public safety will not be compromised by the waiver.

Section 3.310(g) Mitigation Basin Buffers – the provision for vegetated screening is waived, primarily because the basin is located far enough from the roadway, and the adjacent lot is wooded and of large area.

It is the opinion of the Planning Board that the above waivers can be granted since the waivers are not inconsistent with the intent and purpose of the Subdivision Control Law.

Approval of this plan does not imply compliance with other Town ordinances, standards, and/or requirements administered by other Town agencies.

(3) 7:30 P.M. – APPOINTMENT – Alan Heureux: Street determination request for Washburn Lane

The Planning Director noted this street determination was continued in order to allow Alan Heureux to be present and to receive input from the Fire Chief. He stated the Fire Chief, John Alcaindo, has sent a letter and he has confirmed by phone call that he has no objection to the two new lots.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to inform Mr. Heureux that the Planning Board determined that Washburn Lane in front of Lots 18 and 19, Assessor's Map 96 was of sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to two additional house lots, especially since the Fire Chief of District #1 agrees with this assessment from a fire department viewpoint.

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If within one year (March 28, 2012) from the date of this assessment by the Planning Board, an ANR plan is submitted to the Planning Board, the Planning Board would endorse the plan ANR on condition the requirements in the Fire Chief's letter are met. A letter from the Fire Chief confirming his satisfaction will be needed prior to endorsement of the ANR plan.

(4) Approval of Minutes

Regular Meeting of March 14, 2011

A motion was made by Mr. Larrivee, duly seconded by Mrs. Miller for discussion, and unanimously voted (5-0) to approve the minutes of the regular Planning Board meeting of March 14, 2011 as written.

Public Hearing of March 14, 2011 "Open Space Covenant, Mark & Marta Nunes"

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the public hearing of March 14, 2011 "Open Space Covenant, Mark & Marta Nunes" as written.

Public Hearing of March 14, 2011 "The Village at Cedar Dell"

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the public hearing of March 14, 2011 "The Village at Cedar Dell" as written.

(5) Correspondence

Legal Notices from Town of Westport
Legal Notices from Conservation Commission

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0) to acknowledge and file the above referenced correspondence.

(7) Update on F/Y11 budget through February

The Planning Director mentioned the budget is in good shape. A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0) to acknowledge and file the F/Y11 budget update through February.

(8) Update on Project Timeline Chart

The Planning Director stated the Solar Farm Bylaw and Directional Sign Bylaw are on timeline. Section 16 zoning will be discussed later this evening.

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(9) Acknowledgement of Chapter 91 Waterways License Application for Geoffrey & Elena Sands, 323 Barneys Joy Road

The Planning Director noted this request is for a dock on the Slocums River at Great Neck. Brief discussion ensued.

A motion was made by Mr. Haran, duly seconded by Mrs. Miller, and unanimously voted (5-0) to acknowledge and file the Chapter 91 Waterways License Application for Geoffrey & Elena Sands, 323 Barneys Joy Road and forward the standard letter to Mr. Mitch Ziencina, Lynch, Assistant Section Chief for the DEP Waterways Regulation Program.

(10) Planner's Report

The Chairman felt as long as the Planning Board uses common sense there is no reason the Planner's Report cannot be presented. From this point forward, the Planning Director will list each topic.

- The Planning Director briefed the Board on the Town's new census data. The population of Dartmouth in 2010 increased to 34,000 which is an 11% increase in population from the 2000 census report.
- Mr. Perry reported on the seminar he attended in Worcester. He spoke about TR55 drainage calculations and how they are based on rainfall statistics prior to the early 1960s. With weather change, the 100 year storm event is becoming more common and updated rainfall statistics need to be used. Mr. Perry was to discuss with the Department of Public Works and Conservation Commission.
- The Planning Director spoke about the GIS demonstration he attended. The Town is looking to add a GIS component to the Town of Dartmouth's website, and a number of vendors are presenting demonstrations.

(11) For Your Information/New Business

- Notice of Public Hearing on April 25, 2011 re: Sunrise Cove Definitive Plan
- Notice of Public Hearing on April 25, 2011 re: Request to remove trees
- Board of Appeals Decisions
- Notice of Election of Officers re: Board of Appeals
- E-mail correspondence from Dave Cressman re: Televised Board meetings
- Planning Staff timesheets
- Mr. Haran asked that Planning staff list on the next agenda under New Business - Update on Charter Review Committee meeting and research of various Town Charters

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(12) Discussion of long-range planning projects – Section 16 zoning

The remainder of the meeting was spent reviewing page by page the proposed Section 16 zoning update as edited by Town Counsel. This evening's review finished on page 10 due to the lateness of the hour. This item will be continued at 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 April 4, 2011, in room #315, 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 9:39 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide