

MINUTES OF PLANNING BOARD PUBLIC HEARING OF APRIL 4, 2011
Proposed Zoning Amendments for Spring Annual Town Meeting
7:30 p.m., Room #315, Town Office Building, 400 Slocum Road

Planning Board Members

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 opened at 7:40 p.m. the public hearing concerning three proposed zoning articles which would be amendments to the Dartmouth Zoning By-Laws. The first zoning article would revise Section 11.506 of the General Business District of the Zoning By-Laws, by allowing directional signs in excess of the current maximum number of signs, with each sign no larger than 16 square feet in area. The purpose of directional signs would be to provide directions to businesses and roads. The second zoning article would create a new Section 37 of the Zoning By-Laws entitled "Large-Scale Ground-Mounted Solar Photovoltaic Installations" which would provide standards and procedures for developing 250kW or greater solar energy installations throughout the Town. The third zoning article would amend Section 11, General Business Districts by allowing single family dwellings in areas that have Smart Growth Overlay Districts approved under M.G.L., Chapter 40R.

All Planning Board members and Planning staff were present.

The Planning Director stated that legal notice was sent on March 11, 2011 to SRPEDD/SEED; DHCD Municipal Zoning and Land Use; the Planning Board's of Fall River, Westport, Freetown, Gosnold, and New Bedford; various Town Boards and posted in the Town Office Building. He mentioned Town Counsel has basically rewritten the bylaw and the revised article has been made available to everyone for tonight's hearing. Mr. Perry stated the revised language does not change the intent of the bylaw and he finds it acceptable.

The Chairman asked for comments from the audience on the first zoning article which would revise Section 11.506 of the General Business District of the Zoning By-Laws, by allowing directional signs.

Deborah Melino-Wender, Director of Development, stated that the section number reference 11.509 should read 11.510.

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Brief discussion ensued on the revised article.

Responding to a question from a Board member, Ms. Wender indicated that the Executive Administrator will be sponsoring this article.

The Chairman asked if there were any further comments. There were none.

Mr. Sousa proceeded to the second zoning article which would create a new Section 37 of the Zoning By-Laws entitled "Large-Scale Ground-Mounted Solar Photovoltaic Installations."

The Planning Director stated that Town Counsel has asked that the Planning Board continue this public hearing to April 25th as he is still conducting his legal review.

Proponents were asked to comment.

It was noted that Roger Race, Chairman of the Alternate Energy Committee, was not in attendance but Ms. Wender was present should there be any questions or concerns.

Discussion ensued on oil containment requirements and after some exchange of opinions, the Board members agreed the containment standard could be increased to 50 gallons. It was also noted that Section 35.410 should read Section 37.410.

The Chairman asked if there were any further comments regarding this article. Hearing none, Mr. Sousa said this article will be further discussed at the continued public hearing on April 25th.

The Chairman asked for comments on the third zoning article which would amend Section 11, General Business Districts by allowing single family dwellings in areas that have Smart Growth Overlay Districts approved under M.G.L., Chapter 40R.

The Planning Director stated that Attorney Jay Williams, the petitioner for this article, has indicated that this article is being withdrawn and written documentation will be forthcoming. Mr. Perry noted that Attorney Williams will be submitting a revised article for which a new public hearing will be scheduled.

Mrs. Miller referenced Section 11.226G.2 – Signs. She pointed out that the sentence which refers to political signs will be thrown out by the Attorney General's office. It is a 1st amendment issue.

The Chairman asked if there were any further comments regarding this article.

There were none.

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A motion was made by Mr. Toomey, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to continue this public hearing to April 25, 2011 at 8:15 p.m. in room #315 of the Town Office Building, 400 Slocum Road..

Tonight's public hearing was closed at 8:16 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide