

MINUTES OF REGULAR PLANNING BOARD MEETING OF APRIL 25, 2011
Select Board's Meeting Room #301, Town Office Building
Planning Board's 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 5:50 p.m. in the Select Board's Meeting Room #301 with all Planning Board members and the Planning Director present. Also present were Select Board members Michael Watson, Shawn McDonald, Joseph Michaud, Lara Stone, and William Trimble; the Executive Administrator, David Cressman; Town Counsel, Attorney Anthony Savastano and his associate, Attorney Brian Cruise.

Executive Session

5:45 P.M. – EXECUTIVE SESSION - Joint meeting with Select Board in Select Board's meeting room #301, pursuant to M.G.L., Chapter 30A, Section 21(a)(1)

By roll call vote, a motion was made by Mr. Haran, duly seconded by Mr. Larrivee, and unanimously voted to go into Executive Session with the Select Board in the Select Board's meeting room #301, pursuant to M.G.L., Chapter 30A, Section 21(a)(1).

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

The regular meeting reconvened in the Planning Board's meeting room at 6:45 p.m. with all Planning Board members and Planning Staff present.

Administrative Items

At this time the Planning Director asked if the Planning Board could take the endorsement of Riverside Woods out of order before all the appointments and public hearings begin, mentioning that Attorney Bentley was here for this matter and it is a quick administrative item.

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(10) **Endorsement of Amended Definitive (OSRD) Subdivision Plan entitled “Riverside Woods”**

The Planning Director stated that the plans have been revised in accordance with the certificate of action and the legal documents are in order. He recommended the Planning Board endorse the plan.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and so voted (4-1) with Mr. Larrivee opposed to endorse the amended Definitive (OSRD) Subdivision Plan entitled “Riverside Woods”.

In addition, the Planning Director asked the Planning Board to vote on the release of lot 11 which was the Approval Not Required lot in this subdivision. Lot 11 has adequate frontage on Chase Road.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and so voted (4-1) with Mr. Larrivee opposed to release lot 11 in the Definitive OSRD Subdivision entitled “Riverside Woods”.

Appointments & Public Hearings

(5) **6:45 P.M. – APPOINTMENT - Representatives from Walmart: Initial review of Off-Street Parking Plan entitled “Walmart Store #2157-06”**

present Matthew Smith, Bohler Engineering
 Thomas Killoran, Killoran & Killoran

The Planning Director stated the plan has been revised to include design modifications as discussed with the Planning Board at a previous Board meeting. He noted the plan shows a 19,800 square foot building addition, a reconfigured storefront area, a new loading dock, revised landscape islands, and additional parking in the northwestern/southwestern parking lots. Mr. Perry mentioned the proposed changes are consistent with previous discussion but due to the sheer size of the site, many details need to be addressed.

Discussion ensued.

Prior to voting on this matter, Mr. Haran disclosed that he is a property owner near this proposal and would be recusing himself. It was explained to Mr. Haran that in the future if he plans to recuse himself, he should do so before discussion begins.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and so voted (4-0) with Mr. Haran abstaining, to approve the Off-Street Parking Plan entitled “Walmart Store #2157-06” prepared for Walmart Stores East, LP #2157, 2001 S.E., 10th Street,

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Bentonville, AK, 72716-0550 to be located at 506 State Road. The Parking Plan was submitted to the Planning Office on March 16, 2011.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover Sheet, Walmart Store #2157-06 Proposed Retail Dev.	T-1 of 15	March 1, 2011
General Notes Sheet, Walmart Store #2157-06 Proposed Retail Dev.	T-2 of 15	March 1, 2011
Phase I Erosion and Sedimentation Control Plan, Walmart Store #2157-06 Proposed Retail Dev.	ES-1 of 15	March 1, 2011
Phase II Erosion and Sedimentation Control Plan, Walmart Store #2157-06 Proposed Retail Dev.	ES-2 of 15	March 1, 2011
Erosion and Sediment Control Details Sheet, Walmart Store #2157-06 Proposed Retail Dev.	ES-3 of 15	March 1, 2011
Paving/Demolition Plan, Walmart Store #2157-06 Proposed Retail Dev.	DM-1 of 15	March 1, 2011
Overall Site Plan, Walmart Store #2157-06 Proposed Retail Dev.	C-1 of 15	March 1, 2011
Site Plan, Walmart Store #2157-06 Proposed Retail Dev.	C-2 of 15	March 1, 2011
Grading and Drainage Plan, Walmart Store #2157-06 Proposed Retail Dev.	C-3 of 15	March 1, 2011
Utility Plan, Walmart Store #2157-06 Proposed Retail Dev.	C-4 of 15	March 1, 2011
Landscape Plan, Walmart Store #2157-06 Proposed Retail Dev.	C-5 of 15	March 1, 2011
Landscape Specifications and Details Sheet, Walmart Store #2157-06 Proposed Retail Dev.	C-6 of 15	March 1, 2011
Construction Detail Sheet, Walmart Store #2157-06 Proposed Retail Dev.	D-1 of 15	March 1, 2011
Construction Detail Sheet, Walmart Store #2157-06 Proposed Retail Dev.	D-2 of 15	March 1, 2011
Construction Detail Sheet, Walmart Store #2157-06 Proposed Retail Dev.	D-3 of 15	March 1, 2011
Alta/Acsm Land Title Survey (By Others), Walmart Store #2157-06 Proposed Retail Dev.	1 thru 3 of 3	March 1, 2011
Alta/Acsm Land Title Survey (By Others), Walmart Store #2157-06 Proposed Retail Dev.	2 thru 3 of 3	March 1, 2011
Alta/Acsm Land Title Survey (By Others), Walmart Store #2157-06 Proposed Retail Dev.	3 thru 3 of 3	March 1, 2011

Conditions of approval are listed below:

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1. Outdoor display areas near the building should be identified on the plans. Such areas, if provided, must be set off by lines painted on the ground and signage on the building walls identifying display areas are to be contained in the marked areas. All specified on the plans. A plan showing outdoor display areas shall be kept posted in the store manager's office.
2. A better scaled plan of the front of the building needs to be provided identifying walks, outdoor display and plantings.
3. Curbing (flush or raised) needs to be identified more clearly at the front of the building.
4. Signs shall be located in the loading area stating that shipping containers shall not be stored on parking spaces.
5. Customer doors at the southwest corner of the building shall be marked: "Emergency Exit Only, Alarm will Sound".
6. Directional signage to Cross Road/I-195 and Route 6 needs to be provided at key intersections.
7. Four islands do not have the required number of trees and shrubs.
8. The Zelkova trees need to be changed to *Platanus acerifolia* or an equivalent approved by the Planning Director in order to diversify tree plantings.
9. The *Cornus florida* need to be changed to *Magnolia stellata* which is hardier or an equivalent approved by the Planning Director.
10. The Bar Harbor Junipers need to be changed to "Seagreen" Junipers or an equivalent approved by the Planning Director.
11. Dead/missing trees in other islands need to be replaced.
12. After reviewing the plan submitted, the Fire Chief of District #3 was unable to determine if the construction and or site work would directly affect fire department access to the sprinkler system's fire department connection. The sprinkler system's fire department connection is currently located on the pump house in the rear, C side of the building. In accordance with 780 CMR, the fire department connection shall not be obstructed by fences, bushes, trees, walls, or any other similar object(s). Furthermore, all existing fire lanes must be maintained and marked in an approved manner in accordance with CMR 527 10.03(10). A letter from the Fire Chief confirming that the above has been met is required.

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13. A detail of the proposed Lift Station must be included. Current Dartmouth Department of Public Works specifications require E/One Extreme Series DH071 grinder pumps. The Department of Public Works must approve any deviation from this system.
14. An additional sewer manhole must be installed approximately 100 feet before the proposed drop manhole (SMH-D) at Cross Road. The proposed force main would pump into this additional manhole and an 8" SDR-35 gravity pipe would be installed to the drop manhole. This would allow a gradual flow into the drop manhole instead of a forced flow.
15. The type of pipe must be noted for the sewer force main.
16. The sewer pipe must be sleeved at any water crossings for at least 10 feet in each direction if there is less than an 18" horizontal separation with the water line.
17. The existing sewer service to the building must be capped at the site's property line on Cross Road.
18. A detail of the grease trap must be included showing the unit's capacity and the type and size of piping. The grease trap shall be watertight utilizing the same specifications as is required for sewer manholes such as risers, boots and frames and covers.
19. An additional 10" water gate valve should be installed at the point of relocation near the northeast corner of the building to isolate the new relocated water main and keep the existing water main active. This will also allow for the testing of only the new section of water main.
20. Hydrants that are removed and relocated must have the existing laterals capped, thrust blocks installed and gate boxes removed.

Three sets of revised plans shall be submitted to the Planning Office.

The Director of Inspectional Services shall not issue a building permit until a letter is received from the Planning Director and an approved plan is forwarded with the letter.

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

Public Hearing

- (6) **7:15 P.M. – PUBLIC HEARING - Proposed amendment to Definitive Subdivision Plan entitled "Sunrise Cove" formerly known as "The Cloisters at Padanaram"**

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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 7:21 p.m. in order to go into a public hearing¹ concerning the proposed amendment to the Definitive Subdivision Plan entitled "Sunrise Cove".

The regular meeting resumed at 7:42 p.m.

(16) Initial review of amendment to Definitive Subdivision Plan entitled "Sunrise Cove" formerly known as "The Cloisters at Padanaram"

The Planning Director stated that after this evening's public hearing, the two issues he had concerns with were addressed. He recommended the Planning Board approve the amendment to the subdivision plan with the 10 foot pavement offset as discussed during the public hearing.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to approve an amendment to the approved Definitive Subdivision Plan entitled "Sunrise Cove". The amended plan "Modification of Definitive Subdivision of Cloisters at Padanaram" alters the location of Jib Court located off Spinnaker Lane which modifies lots 28-28 and 28-29. Jib Court would be more westerly and abut lot 28-31 on Assessor's Map 129. The amended plan consisting of 3 sheets was prepared for Sullivan Children's Nominee Trust and Stephen F. Sullivan Nominee Trust, 9 Rockland Farm Drive, Dartmouth, MA 02748 by SITEC, Inc. and was submitted to the Planning Board office on March 23, 2011.

The approved amended Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Subdivision Plan, Modification of Definitive Subdivision of Cloisters at Padanaram	--	1/24/11 rev. 4/19/11
Existing Conditions Plan, Modification of Definitive Subdivision of Cloisters at Padanaram	1 of 2	1/24/11 rev. 4/19/11
Street & Utilities Plan for Job Court, Modification of Definitive Subdivision of Cloisters at Padanaram	2 of 2	1/24/11 rev. 4/19/11

The conditions of amendment are listed below:

1. The Title of the plans must reference "Sunrise Cove" not "Cloisters at Padanaram."
2. The roadway pavement shall be offset in the right-of-way so that there is a

¹ For more information, see minutes of Planning Board's Public Hearing of April 25,, 2011 "Sunrise Cove"

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minimum 10 foot offset from the west property line.

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

- 3.303(c) Streets, to allow the lane on a subdivision boundary. This waiver was granted since the immediately affected abutter had no objection to the road being placed closer to the property line.
- 3.310 Drainage, the Department of Public Works has confirmed the engineer's statement that drainage will not be adversely affected by this amended plan.

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

Public Hearing

(7) 7:30 P.M. – PUBLIC HEARING - Request from the Department of Public Works to remove trees on two Town scenic roads (Reed Road & Collins Corner Road)

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 7:47 p.m. in order to go into a public hearing² concerning the request from the Department of Public Works to remove trees on two Town scenic roads (Reed Road & Collins Corner Road).

The regular meeting resumed at 8:11 p.m.

(17) Action on request by the Department of Public Works to remove trees on two Town scenic roads (Reed Road & Collins Corner Road)

Present Paul Pacheco, Department of Public Works

As a result of this evening's public hearing, and after brief discussion, a motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to give the following direction to Paul Pacheco, the Department of Public Works' representative this evening:

- There will be no stonewall removal (only repair) on either Reed Road or Collins Corner Road.
- The D.P.W. will work with the abutters with respect to replacing greenery.

² For more information, see minutes of Planning Board's Public Hearing of April 25, 2011 "Scenic Road Request"

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- A plan will be provided showing how many and where trees will be replaced.

It was noted that when the tree replacement issue is worked out with the abutters, the Planning Board will then officially take action on this request, referencing the approved tree replacement plan.

Public Hearings

- (8) **8:00 P.M. – PUBLIC HEARING - Proposed zoning articles for Annual Spring Special Town Meeting. The first zoning article would create a new Section 4C – Single Residence C DISTRICT and change land currently zoned General Business located south of State Road and bounded by Reed and Beeden Roads (a portion of the former Lincoln Park) into the new Single Residence C District. Minimum lot size in the Single Residence C District would be 6,000 square feet. The second zoning article would create a new Section 2A – Moratorium on Businesses Providing Electronic Machines or Devices to Conduct Sweepstakes or Games of Chance.**

A motion was made by Mr. Larrivee, seconded by Mr. Haran and unanimously voted (5-0), to recess the Planning Board's regular meeting at 8:13 p.m. in order to go into a public hearing³ concerning two proposed zoning articles for Annual Spring Special Town Meeting as described above.

The regular meeting resumed at 9:24 p.m.

- (9) **8:15 P.M. – CONT. PUBLIC HEARING - Proposed zoning articles for Annual Spring Town Meeting. The first article would revise Section 11.506 by allowing directional signs in the General Business District. The second zoning article would create a new Section 37 in the Zoning By-Laws entitled “Large-Scale Ground-Mounted Solar Photovoltaic Installations.” The third article would amend Section 11, General Business Districts by allowing single family dwellings in areas that have Smart Growth Overlay Districts.**

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 9:28 p.m. in order to go into a continued public hearing⁴ concerning proposed zoning articles for Annual Town Meeting as described above.

The regular meeting resumed at 9:38 p.m.

³ For more information, see minutes of Planning Board's Public Hearing of April 25, 2011 "Zoning Articles for Town Meeting"

⁴ For more information, see minutes of Planning Board's Continued Public Hearing of April 25, 2011 "Zoning Articles for Town Meeting"

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

Midway Realty, LLC State Road/Reed Road April 12, 2011

The Planning Director stated that this Approval Not Required plan creates two lots from multiple properties at Lincoln Park on State Road. The two lots are 20 acres each and have over a thousand feet of frontage on each. He noted both lots comply with the minimum frontage and area requirements of the General Business District and the southerly lot is the lot proposed to be rezoned to Single Residence C.

Brief discussion ensued.

A motion was made by Mr. Larrivee, duly seconded by Mr. Toomey, and unanimously voted (5-0) to endorse the Approval Not Required plan for Midway Realty, LLC dated April 12, 2011 for property located off State Road and Reed Road.

(11) Endorsement of Definitive Subdivision Plan entitled “The Village at Cedar Dell”

The Planning Director stated this item needs to be deferred until the next Planning Board meeting because the legal documents were not yet complete.

(12) Time extension request on granted Special Permit for Definitive OSRD Subdivision Plan entitled “Bethany Estates”

The Planning Director stated that the applicant of the approved Bethany Estates subdivision is requesting a one year time extension on the Special Permit granted for the OSRD Definitive Subdivision Plan for Bethany Estates. Mr. Perry said the request is reasonable and he recommended the Planning Board approve the request.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and so voted (4-1) by roll call vote, Lorri-Ann Miller – yes; John Haran – yes; Arthur Larrivee - no, Joseph Toomey, Jr. – yes; and John Sousa – yes to extend the one year time limit to complete all required conditions of approval for the OSRD Special Permit OSRD for Bethany Estates. The one year time limit was voted (4-1) to grant an extension from April 28, 2011 to April 28, 2012. In accordance with the Planning Board’s Special Permit Rules and Procedures, Section 4.305, the Planning Board determined this was an administrative change and therefore an amendment to the Special Permit for the time extension was not necessary. This time extension notice shall be recorded in the Bristol County (S.D.) Registry of Deeds by the applicant with the Special Permit Certificate of Action dated April 28, 2010.

(13) Update on Project Timeline Chart

The Planning Director stated the timeline charts will be revised to reflect the public hearing continuances.

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(14) Update on F/Y11 budget through March

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'11 budget through March.

(15) Release of lots in the Definitive Subdivision Plan entitled "Rachel Point"

The Planning Director noted that he has conducted a final inspection and confirmed the remaining items noted by the Department of Public Works (installation of street sign and trees) are complete. Mr. Perry stated that since all improvements for this subdivision are done, the lots can be released.

A motion was made by Mr. Haran, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to release lots 1 and 2 in the Definitive Subdivision Plan entitled "Rachel Point".

(18) Planner's Report

- Report on TR-55 updated rainfall statistics

The Planning Director spoke to Michael O'Reilly and David Hickox about updating the rainfall statistics for TR-55. They both felt such an update would require increasing the size of detention basins which is undesirable and stated the existing detention basins function fine using the current rainfall data of TR-55.

- Aquifer lot coverage, Stephen's Hair Salon

Town Counsel wants to know if the Planning Board is comfortable with the Board of Appeals granting a variance to increase lot coverage at Stephen's Hair Salon. After some discussion, it was the consensus of all Board members that 90% lot coverage is not acceptable.

- Update on Bridge Street project for Kevin Santos

Mr. Perry reported that the attorney for Kevin Santos is finalizing the Special Permit application for the Bridge Street Restaurant, apartments, and market. It may also need to go to the Board of Appeals for a building setback issue. In any case, the Planning Board will probably hold its public hearing on this project within a month.

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- Update on American Planning Association Conference

The Planning Director thanked the Planning Board for allowing him to attend the American Planning Association Conference in Boston. He briefed the Board on the various courses he attended regarding such topics as renewable energy, traffic calming, urban forestry, and ocean zoning in Massachusetts.

(19) For Your Information/New Business

- Discussion on moving Planning Board meetings to Tuesdays

After brief discussion, the Planning Director was asked to solicit the opinion of the local engineers who regularly attend Planning Board meetings on how a Planning Board meeting on Tuesday night would affect their attendance at other meetings.

- Planning staff timesheets

The Planning Aide reiterated to Board members the difficulty she is experiencing in keeping up with the workload in the office.

(20) Election of Planning Board Officers and other Appointments

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to nominate John Haran to remain as Vice Chairman.

A motion was made by Mr. Toomey, duly seconded by Mrs. Miller, and unanimously voted (5-0) to nominate Joseph Toomey as Chairman.

A motion was made by Mr. Toomey, duly seconded by Mr. Haran, and unanimously voted (5-0) to nominate Lorri-Ann Miller as Clerk.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to nominate Joseph Toomey as the Planning Board's representative to the Soil Board.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to nominate John Sousa as the Planning Board's representative to the Community Preservation Committee, Affordable Housing Partnership, and the Community Development Group.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to nominate John Haran as the Planning Board's representative to the Lincoln Park Smart Growth Committee and the Charter Review Committee.

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A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to nominate Arthur Larrivee the Planning Board's representative to the Agricultural Preservation Trust and the Alternative Energy Committee.

A motion was made by Mr. Haran, duly seconded by Mr. Toomey, and unanimously voted (5-0) to nominate Kathleen DelSordo as the Planning Board's Alternate Member for Special Permits.

Mr. Sousa noted that the next Planning Board meeting is scheduled for May 9, 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 10:48 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide