

MINUTES OF PLANNING BOARD PUBLIC HEARING OF JUNE 20, 2011
Request for Special Permits to allow redevelopment at 304 Elm Street
Room #315, Town Office Building, 400 Slocum Road

Planning Board Members

Mr. Joseph E. Toomey, Jr., Chairman
Mr. John P. Haran, Clerk, Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Arthur C. Larrivee

Planning Staff

Mr. Donald A. Perry, Planning Director
Mrs. Joyce J. Couture, Planning Aide

The Chairman opened at 7:17 p.m. the public hearing¹ concerning a request for Special Permits under the Dartmouth Zoning By-Laws to allow redevelopment of property at 304 Elm Street (Assessor's Map 117, Lot 5) to include a market, restaurant, and three apartments. The applicant is applying for a Special Permit to develop three apartments under Section 10.302 – Village Business Apartments. Also, in order to construct three apartments in a Waterfront Overlay District, a Special Permit under Section 18.401 – Waterfront Overlay District is needed. Another Special Permit under Section 18.402 of the Waterfront Overlay District is needed to allow commercial uses more than 2,000 square feet. The application was submitted to the Planning Board office on May 18, 2011. The applicant is Kevin Santos, c/o Attorney Steven Maynard, 261 Union Street, New Bedford, MA 02740. The owner of the property is Kevin Santos, Manager for 304 Elm Street, LLC, 307 Smith Neck Road, Dartmouth, MA 02748.

All Planning Board members and Planning staff were present.

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, May 25, 2011, and again on Wednesday, June 1, 2011.

The Planning Director stated the application was officially time stamped in the Town Clerk's office on May 18, 2011, which begins the timeline for action by the Planning Board. Mr. Perry further noted that the legal notice was sent on May 18, 2011 to all parties in interest, the Planning Board's of Fall River, Westport, Freetown, Gosnold, and New Bedford; and posted in the Town Office Building.

He proceeded to read the following correspondence into the record:

¹ For more information, see minutes of the Planning Board's regular meeting of June 20, 2011

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- Letter from Attorney Steven Menard dated April 13, 2011
- Letter from David Hickox, Department of Public Works dated May 24, 2011
- Letter from Chief John Alcaidinho, Fire District #1 dated May 23, 2011
- 3-page project overview from Annino Incorporated dated March 8, 2011

The Chairman asked if the applicant or his representative wished to provide comment.

Attorney Steven Maynard, representing the applicant, displayed several colored sketch plans of the new proposal. He provided a detailed description of the design and noted that his client waited for the Town to adopt the Village Business District zoning before proceeding with this project. Attorney Maynard spoke about the parking requirements, and the proposed uses which consist of a market, restaurant, and three new apartments.

Mr. Toomey called for comments and/or questions from the public. The Planning Board's meeting room was full of interested parties and the following individuals asked many specific questions which were addressed by either Kevin Santos (the applicant), Attorney Maynard (representing 304 Elm Street, LLC) or Douglas Annino (project Architect).

Richard Rheume, 557 Elm Street
David Russell, 9 Elm Street
James Williamson, 4 Bridge Street
Holly Woodhouse Irwin, 312 Elm Street & 8A Bridge Street

The Chairman called for comments and/or questions from the Board members.

Lengthy discussion focused on numerous subject matters such as the three new apartments, size and layout, provisions for tenant parking, the proposed market, the proposed restaurant, hours of operation, noise control, pedestrian access, sidewalk improvements, providing benches, lighting/safety for tenants, and required parking spaces.

Additionally, although Fire Chief Alcaidinho, District #1, had sent a letter informing the Planning Board that he would be abstaining from comment on this project, he was present and did respond to questions raised by the Planning Board concerning the existing permitting of the sprinkler system and fire protection for the current tenants. Chief Alcaidinho noted the last known inspection on the property was January 2009 and he wanted the Planning Board to make sure in their decision process that there are conditions for proper fire protection throughout construction.

Prior to closing the public hearing, the Planning Director identified the findings and listed all the conditions of approval and restriction so the applicant fully understood the decision.

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Mr. Toomey asked if anyone would like to provide final comment. Hearing none, the Chairman called for a motion to close the public hearing.

In a roll call vote, a motion was made by Mr. Larrivee, duly seconded by Mrs. Miller, and unanimously voted (5-0) to close this evening's public hearing at 9:30 p.m. and return to the regular meeting.

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

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide