

**MINUTES OF REGULAR PLANNING BOARD MEETING OF SEPTEMBER 26, 2011**  
**Planning Board's Meeting Room #315, Town Office Building**  
**400 Slocum Road, Dartmouth, MA**

**Planning Board**

Mr. Joseph E. Toomey, Jr., Chairman  
Mr. John P. Haran, 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 called the meeting to order at 7:02 p.m. with all Planning Board members and Planning Staff present.

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of September 12, 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 Meeting of September 12, 2011 as written.

Public Hearing of September 12, 2011 "Village at Lincoln Park"

A motion was made by Mr. Sousa, and duly seconded by Mr. Haran for discussion, to approve the minutes of the Public Hearing of September 12, 2011 "Village at Lincoln Park". Mrs. Miller asked to amend the minutes by adding the words "several years ago" in the 3<sup>rd</sup> paragraph of page 1. Motion carried unanimously (5-0) as amended.

**(2) Correspondence**

Legal Notices from City of Fall River  
Legal Notices from Town of Westport  
Legal Notices from Town of Freetown  
Legal Notices from Board of Appeals  
Legal Notices from Conservation Commission

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

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### **(3) Update on Project Timeline Chart**

The Planning Director stated the revised Section 16 zoning should be on time and the Board will be discussing the language again this evening.

### **(4) Time extension request on deadline for action on Off-Street Parking Plan entitled "Correia Building Expansion"**

Mr. Perry noted the applicant is still working with the State on the location of the telephone pole and is requesting another time extension on the deadline for action.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to grant the time extension request on the deadline for action on the Off-Street Parking Plan entitled "Correia Building Expansion" from September 30, 2011 to November 30, 2011.

### **(5) Report with Recommendation to Select Board on Chapter 61A land owned by Peter Hawes, Reed Road**

The Planning Director noted that Peter Hawes is hoping to lease a portion of his property (Assessor's Map 61, Lot 5-3) off Reed Road for a solar farm. The land is taxed under 61A and he needs to notify the Town before it can be taken out of 61A and developed as a solar farm. He mentioned that after an evaluation, it is his opinion that the land does not meet enough favorable criteria to be property the Town would be interested in purchasing.

Brief discussion ensued.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0) to recommend to the Select Board that the Town not exercise its option to purchase 6.13 acres of land located off Reed Road and owned by Peter Hawes because it does not meet enough criteria used to consider it valuable land to purchase for the Town.

### **(6) Planner's Report**

- Westport Seminar re: nitrogen loading

The Planning Director reported that he attended a seminar in Westport on various methods to address nitrogen loading in estuaries, which Towns located along Buzzards Bay will eventually need to address. Aside from the very expensive option of sewerage which is not practical or affordable for the rural communities, various more affordable alternative methods such as nitrogen removal septic systems and "urine separating" toilets were discussed.

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- Autumn Glen Assisted Living facility

Mr. Perry stated the parking facility at the Autumn Glen Assisted Living facility is complete and the neighbor on Cross Road informed the Planning Office that he is very pleased with the landscape screening which was required by the Planning Board to buffer his property. He was particularly pleased with the number and large size of arborvitae used to create the screen.

- Affordable Housing Grant update

The Planning Director spoke with Nancy Durfee from SRPEDD and she seemed to think the Town would get its grant to do an affordable housing study. The study along with updated census data would also be used to update the Town's overall Master Plan.

### Public Hearing

- (7) 7:15 P.M. – PUBLIC HEARING – (Scenic Road Bylaw) - Request by Michael & Sharon Seifert to remove 24 feet of stonewall and 4 trees on the south side of Rock O'Dundee Road, Assessor's Map 20, Lot 19-7**

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:16 p.m. in order to go into a public hearing<sup>1</sup> concerning a request by Michael & Sharon Seifert to remove 24 feet of stonewall and 4 trees on the south side of Rock O'Dundee Road.

The regular meeting resumed at 7:27 p.m.

### Administrative Items

- (8) Action on Scenic Road Request by Michael & Sharon Seifert to remove 24 feet of stonewall and 4 trees on the south side of Rock O'Dundee Road, Assessor's Map 20, Lot 19-7**

After this evening's duly held public hearing, and with no objections expressed, a motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to grant the request to remove 24 feet of stonewall and 4 public shade trees in accordance with the following certificate:

### CERTIFICATE OF ACTION

Scenic Road Request by Michael & Sharon Seifert, Rock O'Dundee Road

This is notification that on September 26, 2011 under the provisions of the Dartmouth General By-Law covering Scenic Roads, and after the required public hearing, the

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<sup>1</sup> For more information, see minutes of Planning Board's P. H. of September 26, 2011 "Scenic Road Request"

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Dartmouth Planning Board voted to grant the request by Michael & Sharon Seifert to remove 24 feet of stonewall and 4 trees on the south side of Rock O'Dundee Road, Assessor's Map 20, Lot 19-7

The Dartmouth Planning Board voted to grant permission to remove portions of the stonewall with the following conditions:

1. The driveway opening through the stonewall is allowed to be no more than twenty four (24) feet wide.
2. The stone removed from the opening in the stonewall shall be used to rebuild/add to the remaining stonewall on the frontage or used for stonewall returns at the driveway entrance.
3. Four (4) trees can be cut. The three (3) small approximately 6" diameter Sassafras and one (1) approximately 12" diameter Black Cherry on the east side of the proposed driveway.

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

- Reviewer's Meeting update

Mr. Perry stated that since there were only two reviewers available at the last meeting, discussion on expedited permitting was postponed. However, they did discuss parking for the proposed bar on State Road next to Caddy Shack and also issues of too many students in housing on Stoneledge Road.

- Subcommittee Reports

Mr. Sousa asked staff to see if they could find a legal notice for a Request for Proposal using CPC funds for the Russells Mills Library which was advertised in The Chronicle. It was very vague, and he would like more information for the upcoming CPC meeting.

With the resignation of Mr. Larrivee this evening as a Planning Board member, the Board discussed who could serve on the Agricultural Preservation Trust Council. Mrs. Miller volunteered to become the Planning Board's designee.

A motion was made by Mr. Haran, duly seconded by Mr. Sousa, and unanimously voted (5-0) to appoint Lorri-Ann Miller as its representative on the Agricultural Preservation Trust Council to replace Arthur Larrivee who has resigned from his position with the Planning Board. Planning Staff would so notify the appropriate parties.

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- Letter from David Cressman to Anthony Savastano re: 304 Elm Street

Discussion ensued on the implications of the above referenced letter. Mr. Haran stated that the Planning Board's condition placed on the Special Permit decision has created a hardship on the developer of 304 Elm Street. He said there are issues between the Fire Chief and Mr. Santos and the condition appears to not be necessary after consultation with other fire professionals.

Discussion ensued.

It was the consensus of the Planning Board to send a letter to Town Counsel asking if the Planning Board needs to respond/take action regarding the letter from Attorney Steven Menard, who represents Kevin Santos, and if the Planning Board does have to take action, what is the procedure for that action.

- Planning staff timesheets

At this time Mr. Larrivee made it clear that his resignation from the Planning Board is effective this evening, September 26, 2011.

After brief discussion, a motion was made by Mrs. Miller, duly seconded by Mr. Haran, and unanimously voted (5-0) to notify the Select Board of Mr. Larrivee's resignation and in following protocol under the Town's Charter, this vacancy will require the appointment of a temporary Planning Board member as a joint venture between the Planning Board and Select Board.

The Planning Board did mention letters of interest or resumés from interested parties be forwarded to the Planning Board at least a week prior to any interviews. The interviews should be conducted at a joint meeting of the Select Board and Planning Board on a mutually convenient date.

### **(10) Continued discussion of revised Section 16 zoning**

The remainder of the meeting was spent discussing proposed revisions to Section 16 and whether it was the best long range project to be working on at this time.

In the end, the Planning Board decided to place on hold the Section 16 zoning update and concentrate on rezoning the Bliss Corner/Dartmouth Street area for mixed use, similar to the Village Business District zoning adopted in Padanaram. This area is poised for new growth and could use better zoning to encourage economic development.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to put a hold on updating Section 16 and begin a review of rezoning Bliss Corner/Dartmouth Street.

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The Planning Board asked that the Planning Director have a map available for the next meeting showing the area and zoning.

The Board will work on new zoning language similar to the Village Business District zoning.

Prior to concluding tonight's meeting, Mr. Sousa thanked Mr. Larrivee for his years of service to the Town and wished him luck.

Mr. Toomey noted that the next Planning Board meeting is scheduled for October 17, 2011, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:37 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide