

MINUTES OF REGULAR PLANNING BOARD MEETING OF MARCH 26, 2012
To be held at 7:00 p.m., 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. Joel Avila

Planning Staff

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

The Chairman called the meeting to order at 7:00 p.m. with all Planning Board members and the Planning Director present. Ms. Jane Kirby, Principal Clerk for the Zoning Board of Appeals, was present in Ms. Couture's absence.

Administrative Items

(1) Approval of Minutes

Regular Meeting of March 12, 2012

A motion was made by John Sousa, duly seconded by John Haran for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of March 12, 2012.

(2) Correspondence

Legal Notice from Dartmouth Conservation Commission
Dartmouth Board of Appeals Decisions
Legal Notice from Fall River Board of Appeals
Legal Notice from Freetown Board of Appeals

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

(3) Endorsement of Approval Not Required (ANR) Plans
David McLaughlin, Hixville Road, dated March 13, 2012

The Planning Director stated that this ANR is for property on the west side of Hixville Road and south side of Old Fall River Road (the solar farm property), and proposes to create one non-buildable parcel. He further explained that the remaining land complied with the

frontage and area for the Single Residence B Zoning District, and recommended the Planning Board endorse the plan.

Brief discussion ensued.

A motion was made by Lorri-Ann Miller, duly seconded by John Haran, and voted (5-0) to endorse the ANR plan prepared for David McLaughlin for property located on Hixville Road and dated March 13, 2012.

**Endorsement of Approval Not Required (ANR) Plans
Peter Hawes, High Hill Road, dated March 19, 2012**

Present: Peter Hawes

The Planning Director stated that this ANR is for property on the east side of High Hill Road. He explained that it will not create new lots and is a perimeter survey. He stated that the lot meets the zoning requirements for frontage and area for the Single Residence B Zoning District, and recommended the Planning Board endorse the plan.

Brief discussion ensued.

A motion was made by John Sousa, duly seconded by John Haran, and voted (5-0) to endorse the ANR plan prepared for Peter Hawes for property located on High Hill Road and dated March 19, 2012.

**(4) Report with recommendations on 61B land owned by
Richard G. Hawes Revocable Trust, High Hill Road**

Present: Peter Hawes

The Planning Director reported that 19 acres were proposed to be taken out of 61B for a solar farm. After reviewing the 19 acre area, it was determined there were not enough significant reasons to recommend the Town exercise its option to purchase the land. The Planning Director recommended the Planning Board to notify the Select Board not to exercise the Town's option.

A motion was made by Lorri-Ann Miller, duly seconded by John Haran, and voted (5-0) to notify the Select Board not to exercise the Town's option to purchase the land.

(5) Waterways license application for dredging at Salter's Point

The Planning Director reported this license application purpose was to dredge sand from near an existing dock and recommended the Planning Board authorize the Planning Director to sign the application so the applicant can make the filing with the State.

A motion was made by John Haran, duly seconded by John Sousa, and voted (5-0) to authorize the Planning Director to sign the application.

**(6) Administrative Review of Colonial Chrysler South Chevrolet
361 State Road (Colonial South Chevrolet)**

Present: James Almonte, Waterman Design Associates, Inc

The Planning Director noted that this review is for a 1,000 s.f. addition to the existing building at 361 State Road (Colonial South Chevrolet) and explained the proposed addition is to provide 3 service bays. He noted that an official parking plan is not required and that by-law Section 16.101D is applicable in this case, where the Planning Board reviews the plans to ensure pedestrian and vehicular circulation is not adversely affected. The Planning Director did not believe pedestrian and vehicular circulation would be adversely affected. He recommended approval of the proposed plan with a condition that signs identifying customer and employee parking spaces be added in addition to the proposed marking, and that the signs be placed at the ends of the rows of such designated spaces at least every 5 spaces in between.

A motion was made by Joel Avila, duly seconded by Lorri-Ann Miller and voted (5-0) to notify the Director of Inspectional Services that the Planning Board has approved this plan entitled "Conceptual Site Plan, Colonial South Chevrolet" dated 3/4/12 with the above condition, after two revised plans are received in the Planning Office.

**(7) Off-Street parking plan for Colonial Chrysler
26-42 State Road**

Present: James Almonte, Waterman Design Associates, Inc

The Planning Director stated the plans mostly complied with Section 16, except for some issues that included the driveway connection between the properties and how it affects nearby residences, pedestrian circulation, and landscaping.

James Almonte then gave a presentation on the proposal, explaining that the existing buildings on the site will be demolished and a new Chrysler Dealership constructed.

Mr. Almonte stated that the lots are located partially in the General Business District and partially in the Residential District, but noted that they are not located in the Aquifer Protection District.

Mr. Almonte reviewed the site plan with the Board. He then discussed the following issues: Access, sidewalk locations, dumpster location, parts delivery location, new vehicle location, the landscape plan, lighting, snow storage and removal, drainage, rooftop runoff, storm water infiltration, and oil water separators.

Mr. Almonte displayed color renderings of how the proposal will look if constructed as proposed. He noted that more approvals are necessary for the project to move forward, including a Special Permit/Variance from the Zoning Board of Appeals.

The Board expressed the following concerns with the proposed parking plan.

One main concern was that there were not enough employee parking spaces. The proposed new building would have 15 service bays; which could potentially be 15 mechanics on duty at once, not including the additional employees needed for sales and for management.

The Board was particularly concerned with the proposed use for the third parking lot adjacent to the cemetery. Mr. Almonte believed this lot was owned by Empire Management and the Board questioned why it was not part of this plan design.

Another concern was pedestrian circulation. The Board was not comfortable with this design because pedestrians would be walking in the same area where cars would be backing out of the service bays.

The Board suggested numerous other changes to the off-street parking plan, and determined that this item should be continued to allow time for the parking plan to be revised. The Planning Director noted a time extension for action would need to be agreed upon.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa and voted (5-0) to sign an extension agreement to May 16, 2012, which was submitted to them by James Almonte.

Appointments

**(8) 8:00 P.M. Joe Noseworthy –
Discussion of proposed article to prohibit solar farms in residential districts**

Present: Joe Noseworthy
Gloria Bancroft
Paul Bancroft
Deborah Wender, Director of Development

Gloria Bancroft submitted a Green Communities Designation and Grant Program informational sheet that she obtained from the Official Website of the Executive Office of Energy and Environmental Affairs, which lists the criteria a Town must meet to be designated a Green Community.

Gloria Bancroft, along with Colleen and Joseph Noseworthy, are sponsoring an amendment to Zoning By-law 37.200 Solar Panel Farms, which is scheduled for public hearing with the Planning Board for Monday, April 9, 2012. (This proposed zoning article is one of five to be heard).

A Special Town Meeting has been scheduled for the above-referenced article for Tuesday, April 24, 2012.

Board member John Sousa did not see the benefit in holding a Special Town Meeting for this zoning article, as the Select Board is proposing an amendment to the same Zoning By-law for the June Town Meeting. With both zoning articles addressing the same issue, he believed it would complicate the Planning Board's recommendation process as well as confuse Town Meeting Members.

Board member Joel Avila expressed the same concerns.

Lengthy discussion ensued.

Deborah Wender informed the Board that the citizen's proposed article is on for both the Special Town Meeting and the June Town Meeting.

The Board asked Deborah Wender if the Select Board could take their proposed article to Special Town Meeting and she answered no, explaining that they are only prepared for the June Town Meeting.

The Board noted the main difference between the proposed articles is that the citizen's proposed article is trying to exclude large solar farms from residential districts, which are not excluded in the Select Board's proposed article.

The Board expressed concern with removing the solar farms from residential districts. The Attorney General might say that the Town is not providing enough remaining area for solar farms.

Chairman Toomey pointed out that the citizen's proposed article isn't completely removing solar farms out of the residential district, because any solar farm less than 250 kW would still be allowed in the residential district.

Joe Noseworthy stated that they are not trying to move solar farms completely out of zoning, but that he viewed the large solar farms as commercial businesses in residential districts. He argued that no other commercial business is allowed in the residential district by right, but would require a Variance or Special Permit. In his opinion, solar farms should be restricted like a business.

Discussion ensued in terms of clear cutting, noise concerns, and hours of operation.

Deborah Wender suggested that hours of operation could be incorporated into the general by-laws for all uses. The Board stated that limiting times in the by-laws would affect the general homeowner who may want to work on his own residence over the weekend or after work.

Board Member John Sousa stated that if both the citizen's and the Select Board's zoning articles fail at Town Meeting, he would advocate to the Planning Board to come up with their own draft.

The Board reminded everyone that the Attorney General has 90 days to respond with an approval or denial of the by-law changes, even if they are approved at Town Meeting.

Administrative Items

(9) Planner Report

- Five zoning articles

The Planning Director reported there are five zoning articles to be discussed at the Public Hearing on April 9, 2012. The Planning Board is sponsoring three of the five articles

- Dartmouth Skate Park

The Planning Director continued to provide assistance to the Skate Park Committee.

(10) For Your Information/New Business

- The Board noticed the Zoning Board of Appeals meeting was recorded in Room #315 and thought their meetings could be televised from this room as well.
- The Board recognized John Haran and thanked him for his dedication and hard work while on the Planning Board.
(John Haran resigned from the Planning Board to run for a position on the Select Board, and this was his last Planning Board meeting.)

In closing, Mr. Toomey noted that the next Planning Board meeting is scheduled for April 9, 2012 in Room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Lorri-Ann Miller, duly seconded by John Haran, and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:30 p.m.

Respectfully submitted,

Jane Kirby, Principal Clerk
Zoning Board of Appeals