

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012
Planning Board's Meeting Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

Mr. Joel Avila, Chairman
Mr. Joseph E. Toomey, Jr., Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Stanley M. Mickelson

Planning Staff

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

The Chairman called the meeting to order at 7:00 p.m. with all Planning Board members and Planning staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of April 23, 2012

A motion was made by Mr. Toomey, duly seconded by Mr. Sousa for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of April 23, 2012 as written.

(2) Correspondence

Legal Notice from City of Fall River
Legal Notice from Town of Westport
Legal Notice from Town of Freetown
Legal Notice from Dartmouth Conservation Commission
Legal Notice from Dartmouth Board of Appeals
Letter from Cynthia Marland, DCTV re: televised meetings
Letter from Attorney Anthony Savastano, Town Counsel, re: process on rescinding approved definitive subdivision plan

With a full agenda, and many interested individuals waiting for certain agenda items, the Board tabled discussion on the correspondence from Ms. Cynthia Marland and Attorney Anthony Savastano until the end of the meeting.

A motion was made by Mr. Toomey, duly seconded by Mr. Sousa, and unanimously voted (5-0) to acknowledge and file the above referenced legal notices.

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

(3) Request from Peter Spindler to extend deadline on Special Permit on approved Definitive OSRD Subdivision Plan entitled "Lot 15A" off Rock O'Dundee Road

The Planning Director mentioned that Peter Spindler, the owner of the above referenced subdivision, is still having a difficult time finding an organization that will hold a Conservation Restriction for such a small parcel of land (1 acre). In order to keep his subdivision Special Permit active, he is requesting another one year extension.

Brief discussion ensued.

In a roll call vote, a motion was made by Mr. Sousa, duly seconded by Mr. Toomey, and unanimously voted (5-0) to extend the deadline for action on the Special Permit for "Lot 15A", Definitive OSRD Subdivision Plan from June 30, 2012 to June 30, 2013. The original Special Permit was filed with the Town Clerk on June 30, 2009 and granted waivers regarding lot area, frontage, and setbacks for the lot in the subdivision.

Stanley Mickelson – yes; John Sousa – yes; Lorri-Ann Miller – yes; Joseph Toomey, Jr. – yes; and Joel Avila – yes.

(4) Appointments of Alternate Planning Board member and Technical Research Group member

A motion was made by Mrs. Miller, duly seconded by Mr. Sousa, and unanimously voted (5-0) to appoint Joseph Toomey, Jr. as its representative to the Technical Research Group (TRG). Planning staff would so notify the appropriate departments.

The Planning Director conveyed to the Board that John Haran, a former Planning Board member, would like to be considered as the Alternate Planning Board member. It was questioned whether Kathleen DeSordo was interested since she has served as the Alternate member for the past few years. There was also some discussion as to whether the Planning Board could even vote at this time because the Zoning Bylaw states the Alternate Planning Board member should be appointed at its first meeting after Town elections in April.

This matter was tabled until the next Board meeting and Planning Staff would report back.

(5) Final review of Off-Street Parking Plan entitled "Colonial Chrysler"

Present: James Almonte, Waterman Design Associates, Inc.
Brian Lafferty, Empire Management Group
Several neighboring residents: Ralph Pollack, 41 State Road; Trudi Marshall, 7 Norfolk Avenue; Jonathan Leaver, 20 Macomber Street; Robert Tardi, 18 Macomber Street; Evelyn Raposa, 42 Macomber Street

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

Mr. James Almonte, the applicant's engineer, provided an overview of the revised design layout and described the plan modifications to address the Board's concerns from the previous Board discussion.

A lengthy discussion commenced, with all the Board members and many of the abutters expressing their opinions on the parking layout, fencing, loading/unloading of vehicles, traffic, fencing, hours of operation, and snow removal.

After extensive dialogue, a resolution was reached on many of the issues.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve with modifications, the Off-Street Parking Plan for 26-42 State Road prepared for Empire Management Corporation, 171 Great Road, Acton, MA 01720 to be located at 26-42 State Road (former Dartmouth Honda), Dartmouth, MA. The Parking Plan was submitted to the Planning Office on February 24, 2012, with time extensions on the deadline for action mutually agreed upon to May 16, 2012.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Title Sheet,	--	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Existing Conditions Plan,	C1.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Grading & Drainage Plan,	C2.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Utility Plan,	C3.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Layout & Materials Plan,	C4.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Landscape Plan,	L1.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Details Plan,	C5.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Details Plan,	C5.02	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Details Plan,	C5.03	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Details Plan,	C5.04	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Details Plan,	C5.05	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler Photometric Plan,	ESL.01	2/12/12 rev. to 4/19/12
Off-Street Parking Plan for Colonial Chrysler		

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

Turning Movement Exhibit, Off-Street Parking Plan for Colonial Chrysler	EX1.01	2/12/12 rev. to 4/19/12
Turning Movement Exhibit, Off-Street Parking Plan for Colonial Chrysler	EX1.02	2/12/12 rev. to 4/19/12
Turning Movement Exhibit, Off-Street Parking Plan for Colonial Chrysler	EX1.03	2/12/12 rev. to 4/19/12

Conditions of approval are listed below:

1. Sidewalks need to be shown on the plan and built by the applicant on both sides of Norfolk Avenue in front of the premises.
2. A sidewalk should be placed at the head of the customer parking spaces shown north of the building which should connect directly to the sidewalk on the east side of the access drive leading to the building.
3. A customer parking sign needs to be added north of the handicapped parking spaces.
4. Add the following note to the plan: "No display of vehicles is allowed on the sidewalk at the front of the showroom building." This note should be added to the sidewalk area on the plan.
5. Add the following sign "Vehicle Loading Area" to the island adjacent to the vehicle delivery area.
6. The Department of Public Works shall confirm that the following requirements are shown on the plan:
 - a. The Fire Line to the proposed building should be a separate service connection to the water main on Macomber Avenue. The size and type of pipe should be noted. The existing water line may be utilized for the domestic service.
 - b. All water services to existing buildings that will not be utilized must be discontinued at the water main in the street. All sewer and drain services to existing buildings that will not be reused must be cut and capped at the layout line of the street. This should be noted on the plans and will be necessary before demolition of these buildings.
 - c. The proposed vertical granite curb (VGC) along the roadways shall be set with concrete as shown under the precast concrete curb (CC) detail sheet. The existing bituminous concrete roadway shall be sawcut in a uniform manner and patched as shown on the plan detail. The roadway must maintain its existing width.
 - d. Hydrants shall be painted per Town of Dartmouth standards.

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

7. The 11 future employee spaces shown on the plan shall be used and designated now on the plan as employee parking spaces, with the appropriate employee parking signs.
8. A crosswalk shall be provided across Middlesex Avenue to lot 223 (Assessor's Map 169).
9. The "sidewalk" area along Middlesex Avenue adjacent to lots 223 and 224 (Assessor's Map 169) shall be lined and cross hatched with white paint.
10. In addition to the plantings, a fence along the south and east property lines of lot 202 (Assessor's Map 169) shall be shown on the plan.
11. The applicant's landscape architect shall meet with the owner of lot 202 (Assessor's Map 169) as offered by the applicant to develop a planting plan to create a screen between the home on lot 202 and the new entrance to the dealership. The plantings shall be provided by the applicant and approved by the Planning Board or its designee. Plantings shall be installed prior to issuance of an occupancy permit. The cooperation of the owner of lot 202 to this condition was represented at the Planning Board meeting when this plan was approved. Should the owner decide against having the plantings or be uncooperative, the Planning Board shall decide whether this condition must still be applied or modified.

Five sets of revised plans incorporating the above modifications shall be submitted to the Planning Office.

(6) Initial review of Off-Street Parking Plan entitled "Coastal Financial Services"

Present: Steven Gioiosa, SITEC, Inc.
Chris Hodgeson, Coastal Financial Services

Mr. Steven Gioiosa, representing the applicant, provided an overview of the proposal. He noted this off-street parking plan proposes to convert the former Georgie's Power/Westies shoe store located at 62 State Road into an office building.

The Planning Director stated that the site has never been approved as an off-street parking plan and therefore has undefined driveway curb cuts, inadequate buffer setbacks, and undefined parking areas.

Discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to approve the Off-Street Parking Plan entitled "Proposed Office Development" prepared for Coastal Financial Services for property located at 62 State Road.

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

The property is owned by Hodgepodge Realty, Inc., 77 State Road, Dartmouth, MA 02747. The Parking Plan was submitted to the Planning Office on March 22, 2012.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Proposed Office Development, Site Layout Coastal Financial Services	1 of 2	March 7, 2012
Proposed Office Development, Existing Conditions Coastal Financial Services	2 of 2	March 7, 2012

Conditions of approval are listed below:

1. The area between the building and State Road shall be modified as follows:
 - a. Create only one parking space off the western access aisle close to the southwest corner of the building designated as an employee parking space.
 - b. The remainder of the area at the front of the building shall be edged with railroad ties or suitable curbing and mulched with woodchips.
 - c. Two or three planters shall be placed in the mulched area.
2. An additional parking space shall be added at the rear of the building.

Three sets of 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 Planning Staff 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.

(7) Initial review of Off-Street Parking Plan entitled “Nissan World of Dartmouth”

Present: Steven Gioiosa, SITEC, Inc.

The Planning Director stated this off-street parking plan is for the Nissan Dealership at the southeast corner of State and Cross Roads. Mr. Perry mentioned the proposed changes are relatively minor creating three parking spaces adjacent to the building, providing a better drainage system and most significantly converting the curb cut on State Road from a one way in only to a two way curb cut. Mr. Perry stated that he feels this is a positive change because it would allow customers to exit on State Road reducing traffic on Cross Road and the Cross Road/State Road intersection.

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the Off-Street Parking Plan entitled "Nissan World of Dartmouth" prepared for Dartmouth Imports, Inc. dba Nissan World of Dartmouth, 483 State Road, Dartmouth, MA 02747. The Parking Plan is for property located at 483 State Road and was submitted to the Planning Office on March 22, 2012.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Site Layout, Nissan World of Dartmouth	1 of 6	August 11, 2011
Site Grading & Utility Plan, Nissan World of Dartmouth	2 of 6	August 11, 2011
Landscaping Plan, Nissan World of Dartmouth	3 of 6	August 11, 2011
Existing Conditions, Nissan World of Dartmouth	4 of 6	August 11, 2011
Detail Sheet #1, Nissan World of Dartmouth	5 of 6	August 11, 2011
Detail Sheet #2, Nissan World of Dartmouth	6 of 6	August 11, 2011

Conditions of approval are listed below:

1. Install Fire Department secure access key boxes to the gates and provide keys to the District 3 Fire Department. This shall be noted on the plan.
2. Stripe and sign the parking space on the east side of the building in front of the Fire Department connection "No Parking".
3. Sign the entire north side of the building (across from display area) "No Parking".
4. A letter must be received from the Chief of Fire District #3 confirming the above three conditions have been met prior to issuance of an occupancy permit.

Three sets of 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 Planning Staff 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.

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

(8) Discussion of proposed Residential Solar Farm Bylaw

The Planning Director stated that as an outcome of the Special Town Meeting held on April 24rd, the Planning Board has been charged with preparing a revised solar farm bylaw. Mr. Perry presented a time schedule outlining what needs to be done in order to have the bylaw ready for the Fall Town Meeting. He also noted that the Select Board pulled their zoning article on solar farms from June Town Meeting.

Mrs. Miller stated for the record that after the vote at Town Meeting, she was approached by an unknown individual who very loudly claimed "We have the power now; there will be no solar farms in residential districts." Mrs. Miller said she does not like being threatened.

Discussion ensued.

Planning staff would develop an advisory group list consisting of Town department heads, local engineers, solar farm developers, and interested Town residents. Those individuals will be notified to participate and provide input. The timelines were discussed and it was acknowledged the schedule will be very tight but Mr. Perry felt confident the deadlines for Fall Town Meeting could be met if the bylaw revisions focused on the Special Permit for residential districts. The first meeting of the advisory group will be scheduled for the hour before the next regular Planning Board meeting on May 21, 2012.

(9) Planner Report

- South Wharf Development

The Planning Director briefed the Board members on an appointment he had with Dave Nolan. An executive session may be scheduled as part of the court ordered mediation to discuss this further with the Planning Board.

- Zoning Article for Annual Town Meeting

Mr. Perry informed the Planning Board that we have received written confirmation that the Select Board voted to withdraw their solar farm article and the article by citizen's petition was withdrawn as well. There are now just three zoning articles going to Fall Town Meeting.

- Quinn School parking lot improvements

The Planning Director stated that he met with Rick Ferreira from the School Department who would like to make some changes to the parking lot. A parking plan will be filed with the Planning Board.

MINUTES OF REGULAR PLANNING BOARD MEETING OF MAY 7, 2012

(10) For Your Information/New Business

- Draft Chase Road @ Old Westport Road Intersection Study

The Planning Director reported on the study which had been provided to the Planning Board in their meeting packet. He noted the study provides two options for the intersection, either a roundabout or traditional traffic lights. It was the general consensus traffic lights would be the best option.

- Board of Appeals decisions
- Public Hearing Notice for Dartmouth Heritage Industrial Park
- Subcommittee Reports
- Planning Director's Review for Board of Appeals
- Planning staff timesheets

(11) Correspondence

Letter from Cynthia Marland, DCTV re: televised meetings

Letter from Attorney Anthony Savastano, Town Counsel, re: process on rescinding approved definitive subdivision plan

Brief discussion ensued on the letter from Cynthia Marland, Director of Media at DCTV. The letter is in response to a request from the Planning Board to have Planning Board meetings televised in room #315. Ms. Marland stated that the quality of the audio in #315 was marginal and suggested the Planning Board switch off with the Select Board on Monday evenings in the Select Board's meeting room.

The Board expressed continued interest in having their meetings televised in #315 and Mr. Mickelson offered to confer with the Select Board's office and Ms. Marland. He would report back to the Board members.

A Board member stated Town Counsel's opinion letter was straight forward and it was noted that Planning Staff has legally advertised for a public hearing.

The Chairman noted the next Planning Board meeting is scheduled for May 21, 2012.

With no further business, a motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:52 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide