

MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 20, 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 August 6, 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 August 6, 2012 as written.

(2) Correspondence

Letter from David Cressman re: Planning Board request for Town Counsel services regarding Not Your Average Joe's Parking Plan

Brief discussion ensued. The Planning Director was asked to forward Mr. Cressman's response letter to Attorney Daniel Perry, the applicant's legal counsel.

Appointment

(3) 7:10 P.M – APPOINTMENT - Chris Reynolds: Initial review of Off-Street Parking Plan entitled "Burger King", 247 State Road

Present: Attorney Christopher Saunders, representing Jan Co. Central, Inc.
Chris Reynolds, Jan Co. Central, Inc.
Janice Mathews, Jan Co. Central, Inc.
Joshua Swerling, Bohler Engineering

MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 20, 2012

The Planning Director stated this off-street parking plan shows a proposal to demolish the existing Burger King building and rebuild a smaller building in its place and rearrange the parking lot layout. He noted the curb cuts on State Road will remain the same and the proposed plan improves onsite circulation especially the drive-thru by adding a drive-thru bypass lane.

Attorney Christopher Saunders, representing the applicant, provided an overview of the proposal. He noted the project has received Conservation Commission approval and the Board of Appeals has continued their public hearing until September on the variance request to allow the drive-thru bypass lane to be closer than the 5 foot setback required by Section 16.

General discussion ensued. The proposed re-alignment of Hathaway Road and the Tucker Road bypass was discussed as it related to this plan. Although it appeared this proposal would not be affected by that project, it was suggested the applicant check with the SRPEDD Commission on the design.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously (5-0) voted to approve the Off-Street Parking Plan entitled "Burger King" prepared for Jan Co. Central, Inc., 35 Sockanosset Cross Road, Cranston, RI 02920. The Parking Plan is for property located at 247 State Road and was submitted to the Planning Office on July 30, 2012.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover Sheet, Burger King	1	May 9, 2012
General Notes, Burger King	2	May 9, 2012
Demolition Plan, Burger King	3	May 9, 2012
Site Plan, Burger King	4	May 9, 2012
Grading & Drainage Plan, Burger King	5	May 9, 2012
Utility Plan, Burger King	6	May 9, 2012
Soil Erosion & Sediment Control Plan, Burger King	7	May 9, 2012
Soil Erosion Control Notes & Details Plan, Burger King	8	May 9, 2012
Landscape Plan, Burger King	9	May 9, 2012
Landscape Notes & Details Sheet, Burger King	10	May 9, 2012
Lighting Plan, Burger King	11	May 9, 2012
Burger King		
Construction Detail Sheet, Burger King	12-14	May 9, 2012

MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 20, 2012

Conditions of approval are listed below:

1. Approved subject to Board of Appeals granting of relief from Section 16 to allow the plan as approved and modified by the Planning Board.
2. As this site is within the Aquifer Zone 3, the roof must drain into a subsurface infiltration/recharge area. The pipe from CB2 to the flared end should be reinforced concrete since the cover will be less than 2 feet.
3. The water and sewer services must be cut and capped at the property line prior to demolishing the existing building.
4. Any crossing between water and sewer services with less than an 18" vertical clearance must utilize a PVC sleeve over one or the other for at least 10 feet in both directions and include sealed ends for the sleeve.
5. Sewer manholes and grease traps shall be water tight and constructed to D.P.W. specifications. This will require Ladtech, Inc. H.D.P.E. adjusting rings instead of brick risers, a Cretex Specialty Products flexible rubber internal seal connecting the precast structure with the manhole metal frame, and a Cretex Wrap for all precast sectional joints. The manhole frames shall be East Jordan Iron Works (formally E.L. LeBaron) LT103A with L24C7 sealtite covers marked "SEWER".
6. Stripe and sign the parking space on the east side of the building in front of the Fire Department connection "No Parking".
7. A sidewalk/walk-thru shall be provided through the central island to allow access from the western parking spaces to the west side of the building.
8. The landscape plan needs the following modifications:
 - a. Trees need to be provided in five (5) island peninsulas as required by Section 16. It is recommended these trees be *Platanus acerifolia* (Sycamore).
 - b. The Seedless Sweetgum should be changed to *Zelkova serrata*.
 - c. The shrubs in some of the peninsula islands are all deciduous and about half of these shrubs should be evergreens such as IGC or TMD.
 - d. A low evergreen "hedge" along State Road between the two driveways needs to be provided and TMD should be used spaced 3 feet apart on center.

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.

MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 20, 2012

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

(4) Approval of Planning Board's Meeting Schedule thru December

Brief discussion ensued on the proposed Planning Board meeting schedule. It was discovered that the schedule of dates had an error and Planning staff would revise and place the schedule on the next agenda for approval. The following meeting dates were agreed upon:

Monday, August 27, 2012	-	NONE
Monday, September 3, 2012	-	NONE (LABOR DAY)
Monday, September 10, 2012	-	Regular Meeting/Long Range Planning
Monday, September 17, 2012	-	NONE
Monday, September 24, 2012	-	Regular Meeting/Long Range Planning
Monday, October 1, 2012	-	Regular Meeting/Long Range Planning
Monday, October 8, 2012	-	NONE (COLUMBUS DAY)
Monday, October 15, 2012	-	Regular Meeting/Long Range Planning
Tuesday, October 16, 2012	-	FALL ANNUAL TOWN MEETING
Monday, October 29, 2012	-	Regular Meeting/Long Range Planning

Public Hearing

- (5) 7:30 P.M – PUBLIC HEARING - The hearing concerns two proposed zoning articles which would amend the Dartmouth Zoning By-Laws. The first zoning article revises Section 39.100B by clarifying the appointing procedure for the Planning Board Alternate Member. The second zoning article revises Section 37 regarding Large Scale Solar Farms: by providing for a Special Permit process**

A motion was made by Mr. Toomey, seconded by Mrs. Miller and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:30 p.m. in order to go into a public hearing¹ concerning two proposed zoning articles for Fall Town Meeting.

The regular meeting resumed at 8:52 p.m.

Administrative Items

(6) Planner's Report

- Brady Estates

The Planning Director reported that Joe Lemieux, the new owner of Brady Estates, has decided to abandon the 40B for Brady Estates and pursue relief

¹ For more information, see minutes of Planning Board's Public Hearing of August 20, 2012 "Town Meeting Zoning Articles"

MINUTES OF REGULAR PLANNING BOARD MEETING OF AUGUST 20, 2012

through variances. Brady Estates has been a major topic of discussion at the reviewer's meeting since it involved so many Boards and Departments, all of which have issues that need to be addressed. The Planning Board will become involved for the subdivision plan which may need waivers. It was noted the number of proposed lots will be a concern and that they should meet equivalent residential density requirements.

(7) For Your Information/New Business

- Subcommittee Reports
- Board of Appeals decisions
- Memo from David Cressman re: Emergency Closing Policy
- Planning staff timesheets

As the Planning Board's subcommittee representative, Mrs. Miller reported on the Agricultural Trust Fund Council meeting she recently attended.

With no further business, a motion was made by Mr. Sousa, duly seconded by Mr. Mickelson and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:21 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide