

MINUTES OF REGULAR PLANNING BOARD MEETING OF SEPTEMBER 10, 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 7:03 p.m. with all Planning Board members and Planning staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of August 20, 2012

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of August 20, 2012 as written.

Public Hearing of August 20, 2012 "Town Meeting Zoning Articles"

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 public hearing of August 20, 2012 "Town Meeting Zoning Articles" as written.

(2) Correspondence

Legal Notices from City of Fall River
Legal Notices from Town of Westport
Legal Notices from Dartmouth Board of Appeals
Legal Notices from Dartmouth Conservation Commission
Memo from David G. Cressman re: Stipend for Elected Town Officials
Memo from David G. Cressman re: Special Municipal Employee
Memo from David G. Cressman re: Co-sponsoring of Solar By-Law

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A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to acknowledge and file the above referenced legal notices and defer discussion on the memos from David G. Cressman until later in the evening under New Business.

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

Brief discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the following meeting schedule:

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 22, 2012	-	None
Monday, October 29, 2012	-	Regular Meeting/Long Range Planning
Monday, November 5, 2012	-	None
Monday, November 12, 2012	-	None (Veteran's Day)
Monday, November 19, 2012	-	Regular Meeting/Long Range Planning
Monday, November 26, 2012	-	None
Monday, December 3, 2012	-	Regular Meeting/Long Range Planning
Monday, December 10, 2012	-	None
Monday, December 17, 2012	-	Regular Meeting/Long Range Planning
Monday, December 24, 2012	-	None (Christmas Eve)
Monday, December 31, 2012	-	None (New Year's Eve)
Monday, January 7, 2013	-	Regular Meeting/Long Range Planning

(4) Time extension request on Off-Street Parking Plan entitled "Not Your Average Joe's"

The Planning Director stated that Attorney Daniel Perry has submitted a letter stating he is still discussing options with David Cressman on possible ways of addressing the Town's concern related to the expansion of the Not Your Average Joe's parking lot into the former Baker's Books site and the applicant is seeking a time extension on the Planning Board's deadline for action.

After brief discussion, a motion was made by Mrs. Miller, duly seconded by Mr. Sousa, and unanimously voted (5-0) to approve the time extension request on the Planning Board's deadline for action on the Off-Street Parking Plan for Not Your Average Joe's from September 30, 2012 to November 30, 2012.

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(5) Request for surety reduction on Definitive Subdivision entitled “Riverside Woods”

Mr. Perry noted that a request for surety reduction has been received from Attorney John Bentley, who represents the developer of the Riverside Woods Subdivision.

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to release \$18,635. of the cash surety being held by the Town on the Definitive Subdivision entitled “Riverside Woods” leaving a balance in the amount of \$94,802 to complete the remaining improvements as determined by the Department of Public Works.

(6) Initial review of Off-Street Parking Plan entitled “Proposed Commercial Building, 6 Hathaway Road”

Present: Steven Gioiosa, SITEC, Inc.
Andre Karam, applicant

The Planning Director stated this off-street parking plan is for two properties located on the north side of Hathaway Road just north of State Road. The plan proposes to build a 3,000 square foot building and associated 16 parking spaces. Mr. Perry noted that Board of Appeals action is needed because one of the lots is residentially zoned and some of the parking for the business lot is located on the residentially zoned lot.

Mr. Gioiosa provided an overview of the proposal describing the parking layout, proposed sidewalk links, landscaping, and drainage.

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 “Proposed Commercial Building, 6 Hathaway Road” prepared for 6 Hathaway Road, LLC, 6 Hathaway Road, Dartmouth, MA 02747. The Parking Plan is for property located at 6 Hathaway Road and was submitted to the Planning Office on August 2, 2012.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Proposed Commercial Building, 6 Hathaway Road, Site Layout	SL-1	June 27, 2012
Proposed Commercial Building, 6 Hathaway Road, Grading & Utilities	GU-1	June 27, 2012

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Proposed Commercial Building, 6 Hathaway Road, Landscaping Plan	LP-1	June 27, 2012
Proposed Commercial Building, 6 Hathaway Road, Existing Conditions	EC-1	June 27, 2012
Proposed Commercial Building, 6 Hathaway Road, Detail Sheet	DET-1	June 27, 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. A sidewalk should connect the parking spaces on Lot 28 to the new business building on Lot 26. The use of crushed stone, flagstones, or pavers is allowed.
3. A sidewalk should be provided along the frontage of the property, preferably with a grass strip between the edge of the road and sidewalk.
4. The proposed water service, if larger than 1", should be noted on the plans. The Department of Public Works application for water and sewer connection fees will require that the size be specified in order for the appropriate fees to be calculated.

Three sets of revised 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) Planning Board's Reports with Recommendations on Fall Town Meeting Zoning Articles

The Planning Director noted there are two zoning articles which the Planning Board must make a report and recommendation to the Fall Town Meeting set for October 16, 2012. He stated there are two draft reports with recommendations before the Planning Board for their consideration.

First, the Planning Board considered its recommendation on Article 18, a simple housekeeping article, which would clarify the timeline for appointing the Planning Board Alternate Member for Special Permits.

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A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to forward the following recommendation on Article 18 to Fall Town Meeting:

Planning Board Report with Recommendation on
Article 18 - Amendment to Section 39 – Other Special Permit Granting Authority
Fall Town Meeting, October 16, 2012

The proposed Zoning By-Law amendment was the subject of a public hearing held on August 20, 2012, notice of which was properly published in The Chronicle on August 1, 2012 and August 8, 2012. Notice of the public hearing was also sent to SRPEDD/ SEED; Municipal Zoning and Land Use; the Planning Boards of Fall River, New Bedford, Westport, Freetown, and Gosnold; and posted in the Town Office Building.

Article 18 would revise Section 39.100B by clarifying the timeline for appointing the Planning Board Alternate Member for Special Permits. The Planning Board Alternate Member is a person appointed by the Planning Board to serve when a Planning Board member is not available for a Planning Board meeting when a Special Permit is being considered. State Law allows Planning Boards to appoint such a member because a Special Permit requires a super majority of 4 members out of 5 voting to grant a Special Permit. If a Planning Board member is unable to serve due to illness or other absence for the Special Permit meeting, the Alternate Member can step in and maintain the 5 member Board.

The amendment before the Town Meeting is to correct the current yearly appointment timeline. Currently, the appointment can only be made at the first Planning Board meeting after the yearly election in April. If the Planning Board misses that date, the Alternate Member cannot be appointed at any other meeting. The amendment allows the Planning Board to appoint the Alternate Member at any time after the general election in April. This amendment will provide flexibility to the current bylaw in place.

The Planning Board voted unanimously to recommend favorably on passage of Article 18.

Next, the Planning Board moved to Article 17 which would delete the existing Section 37 (Large-Scale Solar Installations) of the Zoning Bylaws and replace it with new language.

The Planning Director noted that he has a response and recommendation on several written comments submitted by the public at the Planning Board's public hearing on this bylaw, as well as, wording recommendations from Town Counsel. Mr. Perry also mentioned the Planning Board may want to consider Joel Avila's proposed amendment.

Initially, some Board members expressed an opinion that it would be best to postpone tonight's discussion on Article 17 until their next meeting in hopes of knowing how the Attorney General rules on the April Town Meeting zoning article related to this subject matter. However, Mr. Perry encouraged the Board to go through the material so Planning Staff could update the bylaw and submit the final to the Select Board to meet submission deadlines.

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Lengthy discussion ensued with the Planning Board endorsing carefully chosen revisions which primarily clarified different parts of the proposed bylaw.

Concluding, each Board member summarized their opinion on this article.

(8) Planner's Report

- Brady Estates

Mr. Perry reported that a meeting was held with the reviewers, the owner of Brady Estates 40B subdivision and his engineer to explain the permitting process and timelines.

- Robinson/Cecil Smith Landfill

As the Planning Director commenced to speak on the above referenced subject matter. Attorney Chip Mulford, who represents Cecil Smith and Mary Robertson, provided an update. He said the property owners have retained Boston Environmental and SITEC, Inc. to oversee the cleanup and project. Attorney Mulford stated they will be before the Conservation Commission tomorrow evening for their approval of site testing.

(9) For Your Information/New Business

- Memo from David G. Cressman re: Stipend for Elected Town Officials

After brief discussion, a motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and so voted (4-1) with Mr. Avila opposed to co-sponsor with the Select Board the article which proposes an annual stipend for elected officials

- Memo from David G. Cressman re: Special Municipal Employee

After some discussion, Mr. Toomey was the only Board member who was interested in becoming a Special Municipal Employee. However, the remaining Board members had no objection to being appointed as such if all Board members needed this designation in order for Mr. Toomey to have this status. Mr. Toomey would notify David Cressman.

- Memo from David G. Cressman re: Co-sponsoring of Solar By-Law
- Response letter to David Cressman re: Proposed Solar By-Law
- Letter from Attorney Daniel Perry re: Land owned by Richard & Andrea DeCosta
- Notice from DHCD on Chapter 40B workshop
- New Interim South Coast Bikeway Plan – Dartmouth from Alan Heureux
- Subcommittee Reports

Mrs. Miller updated the Board members on the MPO meeting she attended at SRPEDD. Also, Mr. Toomey reported on a Municipal Facilities Committee meeting.

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- Board of Appeals decisions
- Planning Director's review for Board of Appeals
- Planning staff timesheets

With no further business, a motion was made by Mr. Sousa, duly seconded by Mr. Toomey and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:20 p.m.

Respectfully submitted,
Joyce J. Couture
Planning Aide