

**MINUTES OF REGULAR PLANNING BOARD MEETING OF SEPTEMBER 24, 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 7:02 p.m. with all Planning Board members and Planning staff present.

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of September 10, 2012

A motion was made by Mr. Toomey, duly seconded by Mrs. Miller for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of September 10, 2012 as written.

**(2) Invoices**

Southcoast Media Group      dated September 2, 2012      for \$63.50  
re: legal advertising for zoning articles

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson for discussion, and unanimously voted (5-0) to approve payment of the invoice for Southcoast Media Group dated September 2, 2012 for \$63.50.

**(3) Correspondence**

Legal Notices from Town of Westport  
Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission

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

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### **(4) Endorsement of Approval Not Required (ANR) Plans**

Dartmouth Place & Eye-Man Limited Partnership State Road August 1, 2012

The Planning Director stated that this ANR plan conveys parcels between two existing lots and improves or maintains the frontage and area requirements on both properties in the underlying zoning district.

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to endorse the ANR plan for Dartmouth Place & Eye-Man Limited Partnership for property located off State Road and dated August 1, 2012.

### **(5) Acknowledgement of Chapter 91 Waterways License Application for Dartmouth Natural Resources Trust, Mattarest Lane**

The Planning Director noted that this application has been filed with Mass DEP to construct and maintain a stone armored channel and culvert, and restoration of Nonquitt Marsh off Mattarest Lane.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to acknowledge the Chapter 91 Waterways License Application for Dartmouth Natural Resources Trust, Mattarest Lane and authorize the Planning Director's signature as the Planning Board's signoff representative.

### **Appointment**

### **(6) 7:10 P.M – APPOINTMENT - Mark Rasmussen (Buzzards Bay Coalition): Presentation on 2011 State of the Bay Report**

Mark Rasmussen, President of the Buzzards Bay Coalition, provided an overview on the health of the Buzzards Bay ecosystem, citing many of the accomplishments and improvements to water quality of Buzzards Bay. He noted the Buzzards Bay Coalition is celebrating its 25<sup>th</sup> anniversary this year and is dedicated to the restoration, protection, and sustainable use of Buzzards Bay and its watershed. Mr. Rasmussen spoke on pollution, watershed health, and the living resources.

Discussion ensued.

Mr. Rasmussen mentioned that the Coalition is anticipating in the next few weeks a technical report prepared by U-Mass Dartmouth which will contain research results and recommended nitrogen threshold levels needed for the restoration of water quality and healthy marine habitat in Dartmouth's Slocums/Little River estuaries. He noted an informational meeting with several Town Boards is being planned to present the findings.

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The Board members thanked Mr. Rasmussen for his valuable and very informative presentation and it was suggested that he come before the Planning Board annually with an update on the State of Buzzards Bay.

### Administrative Items

#### **(7) Report and Recommendation to the Select Board on Chapter 61A land owned by Marsha Carter and located off Morton Avenue**

The Planning Director stated that the Planning Board must make a recommendation to the Select Board on whether to exercise the Town's first option to purchase Chapter 61A land being proposed for sale. The property consists of 12.5 acres of land located off Morton Avenue, Assessor's Map 156, Lot 57 and owned Marsha Carter, Trustee of Carter Real Estate Nominee Trust.

Discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Toomey, and so voted (4-1) to send the Select Board a letter recommending that the Town exercise its option to purchase 12.5 acres of land located on Morton Avenue, Lot 57 on Assessor's Map 156. The property contains agricultural fields worth preserving but because the property is centrally located in Town, the land could be used for much needed recreational fields. The recommendation of the Planning Board is based on possible uses of the property and not its cost to purchase. The property meets enough criteria to consider it valuable land for use by the Town.

#### **(8) Planning Board's Report with Recommendation on Article 17 (Solar Farm Bylaw) for Fall Town Meeting Zoning Article**

The Planning Director stated that at its last meeting the Planning Board delayed making its recommendation on Article 17 in hopes that the Town would hear from the Attorney General's office on the Spring Town Meeting zoning article on the banning of commercial size solar farms in residential districts. However, at this time the Town still has not heard anything.

Discussion ensued. It was noted that the Attorney General's deadline for rendering a decision is Friday, September 28<sup>th</sup> and since the Planning Board has a meeting scheduled for October 1, 2012, the Planning Board could table this item until then.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to table the vote on the Planning Board's Report with Recommendation to Fall Town Meeting on Article 17 until its next meeting of October 1, 2012. Planning Staff would call the Board members as soon as any information from the Attorney General's office becomes available.

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### (9) Planner's Report

- Off-Campus Housing – U-Mass

The Planning Director reported on a potential proposal to develop land located off Morton Avenue across from U-Mass Dartmouth on Old Westport Road into off-campus housing. The preliminary concept shows a 100-unit housing complex being proposed for graduate students and professors. After some discussion, a major concern expressed was the density of units and allowing university housing to expand into a residential neighborhood.

- South Wharf meeting

The Planning Director stated that the attorney representing the principals involved in the South Wharf project would like to meet with the Planning Board sometime in October to present its concept for a mixed use redevelopment of the property. Mr. Perry noted that this is the same site which is currently in mediation. A brief discussion ensued regarding the residential/retail mix and the extent of public access to the waterfront. Board members requested background information in advance of the October meeting.

### (10) For Your Information/New Business

- Notice of Scenic Road Public Hearing request by NSTAR Electric
- Subcommittee Reports
- Board of Appeals decisions
- Planning Director's review for Board of Appeals
- Planning staff timesheets

Mrs. Miller asked Planning Staff to find out whether SRPEDD has allocated the Planning Board's 20 hours of municipal assistance for this year.

Mr. Toomey mentioned that the Municipal Facilities Committee will be meeting this Wednesday night for the last time before October Town Meeting if anyone is interested in attending.

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 8:42 p.m.

Respectfully submitted,  
Joyce J. Couture  
Planning Aide