



## MINUTES OF REGULAR PLANNING BOARD MEETING OF NOVEMBER 5, 2012

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

Michael Ricardo                      State Road                      dated October 17, 2012

The Planning Director explained this ANR plan is for Mr. Ricardo's landscaping business located on State Road west of Cross Road. It combines two existing lots into one lot. Mr. Perry stated the combined lot exceeds the minimum frontage and area requirements of the General Business District and the plan can be endorsed.

Brief discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (4-0) to endorse the ANR plan for Michael Ricardo for property located on State Road dated October 17, 2012.

### **(5) Request to reschedule legally advertised public hearing for Definitive (OSRD) Subdivision Plan entitled "King Meadow Preserve" which was scheduled for October 29, 2012**

The Planning Director noted that a request to postpone the public hearing was originally scheduled for the Planning Board meeting of October 29, 2012, but due to the storm the meeting was cancelled. Planning staff posted the new hearing date notice on the Town Office Building doors in case anyone showed up. The applicant is requesting postponement of the public hearing to November 19, 2012 at 7:15 p.m. Mr. Perry mentioned that all parties in interest have been notified of the postponement date by the developer.

A motion was made by Mrs. Miller, duly seconded by Mr. Sousa, and unanimously voted (4-0) to reschedule to public hearing for the Definitive (OSRD) Subdivision Plan entitled "King Meadow Preserve" to November 19, 2012 at 7:15 p.m.

### **(6) Acknowledgement of Environmental Notification Form on Dartmouth Reconstruction of Faunce Corner Road & Improvements to I-195 ramps and intersections**

The Planning Board received notice from MassDOT on the proposed reconstruction of Faunce Corner Road and I-195 interchange improvements requesting comment on the project.

Brief discussion ensued with Mrs. Miller providing information on funding and estimated project timelines.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (4-0) to acknowledge and file the ENF on the Dartmouth reconstruction of Faunce Corner Road and improvements to I-195 ramps and intersections.

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### (7) Planner's Report

- Fall Annual Town Meeting

The Planning Director reported on the two zoning articles which were presented to October Town Meeting. Brief discussion ensued. Planning Staff would agenda for discussion at the next Planning Board meeting of November 19, 2012 the issue of selecting an Alternate Planning Board member for Special Permits and the commercial solar farm bylaw.

- Bike Lanes, Old Westport Road

Mr. Perry updated the Planning Board on the installation of bike lane pavement markings and signs on Old Westport Road as part of the regional bikeway. The Town also received a grant which will include better signage options for walkways and bike paths.

### Appointments

### (8) 6:45 P.M – APPOINTMENT – Attorney Drew W. Hoyt, Hoyt Porro LLP, Continued discussion on request to amend Off-Street Parking Plan Certificate of Action dated May 8, 2012 for Colonial Chrysler, 26-42 State Road

Present: Attorney Anthony Savastano, Town Counsel  
Attorney Drew Hoyt, Hoyt Porro LLP

Attorney Drew Hoyt, representing the Colonial Chrysler auto dealership, briefly spoke about the previous session with the Board. He apologized that neither Brian Lafferty nor James Almonte could be here this evening since both had a prior commitment.

The Planning Director proceeded to summarize the three requested changes to the site plan and a suggested compromise.

A general discussion ensued with each Board member providing comment. Although it was the consensus of the Board to allow deletion of the proposed sidewalk onsite, and to keep the sidewalks on Norfolk Avenue, every Board member was opposed to the request to re-label the designated 11 extra employee parking spaces to allow "employee/storage" parking but would consider "employee/customer" parking.

In closing, Attorney Hoyt stated that he would take this information back to his client.

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### **(9) 7:15 P.M – APPOINTMENT – Attorney James Rudolph, Rudolph Friedmann LLP: Informal discussion of South Wharf mixed use redevelopment concepts**

Present: Attorney James Rudolph, representing Heritage Wharf Co., LLC  
David Nolan, project principal  
Retired Judge Rudy Kass, State mediator for the South Wharf litigation  
Mark Schmidt, member of the architectural team  
Attorney Anthony Savastano, Town Counsel

Attorney James Rudolph, representing Heritage Wharf, LLC, introduced the project representatives and provided a brief overview of the proposal. There were multiple colored photographs displayed for architectural illustration, as well as a concept plan for a mixed use redevelopment of the former Concordia boatyard/South Wharf located on Elm Street in Padanaram Village.

Attorney Anthony Savastano, Town Counsel, cautioned the Board members that the plan before them this evening was a separate independent plan from the South Wharf litigation and there should be no discussion this evening on the pending litigation related to this subject property.

Attorney Rudolph proceeded to present an overview of the project, describing the general site layout and the proposed uses which includes a restaurant, condominiums, an inn, some retail uses. He further provided details on the proposed architecture and the waterfront access for boaters and pedestrians.

Lengthy discussion ensued.

The Board members generally liked the types of uses proposed for the project but were very concerned with the use density pointing out some of the uses should be scaled back. It was felt the proposal was too intense for the site and the numerous combined uses would generate considerable parking issues in the neighborhood. The Board also noted that this project is located in the Waterfront Overlay District and the applicant was encouraged to maintain some harbor dependent uses.

Concluding discussion, the Planning Board suggested the project principals reach out to the residents in the Village and hold an informal meeting to get some input from the community prior to submitting a formal plan to the Planning Board.

### **Administrative Items**

### **(10) Final review of Off-Street Parking Plan entitled “Not Your Average Joe’s”**

Present: Attorney Daniel Perry, representing Not Your Average Joe’s  
Steven Silverstein, principal of Not Your Average Joe’s  
Alan Heureux, Boucher & Heureux, Inc.

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The Planning Director reminded the Board that this off-street parking plan is for an expansion of the Not Your Average Joe's parking lot into the former Baker's Books site and the Planning Board had previously discussed this plan but the issue of considering the paper street in the design was of concern. He stated Town Counsel has confirmed the paper street must be taken into consideration in the plan's design of the parking lot.

Lengthy discussion ensued with Attorney Perry providing his argument to allow the design as proposed. Although the Board members were sympathetic to the request, the Board members stated they needed to follow the advice from Town Counsel in the Planning Board's decision on this plan.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (4-0) to approve the Off-Street Parking Plan entitled "Not Your Average Joe's" prepared for Not Your Average Joe's Inc., 151 Campanelli Drive, Suite C, Middleboro, MA 02346 to be located at 61 State Road. The plan was submitted to the Planning Office on July 5, 2012.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Layout Plan, Not Your Average Joe's	--	July 3, 2012
Grading & Landscaping Plan, Not Your Average Joe's	--	July 3, 2012

Conditions of approval are listed below:

1. The plan shall be revised to remove all newly proposed parking spaces from the paper street in accordance with Section 16.201.
2. The plan shall be revised so that no newly proposed parking spaces back into the paper street in accordance with Section 16.203C.
3. The plan shall be revised so that the newly proposed parking facility shall be setback at least 10 feet from the paper street in accordance with Section 16.201B.
4. The plan shall be revised so that the northerly entrance drive off the paper street is a minimum of 55 feet from the intersection of the paper street and State Road.
5. All water and sewer services to this site should be shown on the plans. The services to the building to be demolished will need to be discontinued as required by the Department of Public Works.

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6. There is a short water main and fire line within Hickory Street from State Road. The fire line to the Baker Books building must be cut and capped and the gate valve box removed.
7. A minimum 4 foot walk-thru with crosswalk needs to be provided to the restaurant entrance thru the row of eastern parking spaces.
8. Two shade trees shall be added along State Road. It is recommended *Platanus acerifolia* (Sycamore) be used.

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.

### **(11) For Your Information/New Business**

- South Coast Rail Technical Assistance Awards for FY2013
- Notice from SRPEDD on CPTC training workshop
- Cecil Smith Landfill/Boston Environmental
- Subcommittee Reports
- 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 Mrs. Miller, and unanimously voted (4-0) to adjourn this evening's regular meeting at 9:15 p.m.

Respectfully submitted,  
Joyce J. Couture  
Planning Aide