

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 3, 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 6:00 p.m. with all Planning Board members and Planning staff present.

Prior to meeting with the Select Board, Planning Board members briefly talked about the topics which will be discussed this evening at the Select Board's joint meeting. The Planning Director provided background information on each subject. Concluding discussion, it was the consensus of the Planning Board to get the Select Board's input on the various issues and not take any action this evening until the Planning Board has an opportunity to discuss each topic in further detail.

At this time being 6:30 p.m., the Chairman made it known that the Planning Board would reconvene this evening's meeting in the Select Board's meeting room #304 for a joint session with the Select Board, after which the Planning Board will continue its meeting in room #315.

Appointment

(1) 6:30 P.M. – APPOINTMENT - Joint meeting with Select Board in Select Board's meeting room #304, regarding:

- Affordable Housing Production Plan
- Gateway Rezoning Grant
- Signage in the General Business District
- Large-Scale Solar Farms in Residential Districts

The Planning Board members and the Planning Director joined Select Board members: Michael Watson, Shawn McDonald, Lara Stone, and William Trimble; the Town Administrator, David Cressman; and Deborah Melino-Wender, Director of Development, for a round table discussion.

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- Affordable Housing Production Plan

David Cressman, Town Administrator, provided background information and spoke on the need in Dartmouth for more housing units for the elderly and young population. He stated the Town's Affordable Housing Plan is out of date and the updated Housing Production Plan currently being prepared by SRPEDD will need final endorsement from the Select Board and the Planning Board.

General discussion ensued.

The Planning Board agreed to provide written comment to the Select Board with their suggestions and opinions on the housing plan no later than late January 2013.

- Gateway Rezoning Grant

The next subject discussed was the recently awarded technical assistance grant. The Town has secured a \$10,000. grant which will be used for technical assistance from SRPEDD to provide recommendations regarding possible mixed use zoning changes to the eastern gateway area on State Road between New Bedford and Slocum Road.

Following this discussion, the Planning Board requested that when the draft report becomes available, it should be brought before the Planning Board for their review and comment.

- Signage in the General Business District

This discussion was scheduled as a result of multiple complaints from Town residents on the signage to the former Mr. Tux building on State Road now occupied by A & A Jewelers. It has been determined by the Director of Inspectional Services that the signage complies with the current zoning bylaws.

General discussion ensued with long time members of the Planning Board and Select Board recalling a previous attempt many years ago to revise the sign bylaw at Town Meeting. It created significant controversy from the business community.

Planning Board members expressed concern that a comprehensive review of the sign bylaw would be needed if the Planning Board were to attempt any changes.

In the end, the Planning Board felt if the Board considers this request to develop a new sign bylaw, it would need the support of the Select Board.

- Large-Scale Solar Farms in Residential Districts

The final topic discussed was whether the Planning Board should consider resubmitting the large-scale solar farm bylaw to Town Meeting. The bylaw which failed at October Town Meeting would have allowed commercial size solar farms in residential districts by special permit granted by the Planning Board.

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Each Select Board member, as well as, each Planning Board member provided comment. There was a split opinion on the Select Board. There was a split opinion from the Planning Board. Planning Board members made it known that the bylaw presented to Town Meeting was the result of many long meetings to develop a bylaw which addressed issues raised by citizens of the community and throughout the development process there was compromise on the part of all Planning Board members.

After considerable debate, and upon suggestion from Select Board member Michael Watson, it was determined a non-binding referendum question would be placed on the April election ballot to see if there is major support in the Town to allow large-scale solar farms in residential districts. The response from the community will be evaluated before proceeding again.

At this time being 8:30 p.m., the Planning Board left the Select Board's meeting room and returned to meeting room #315 for the remainder of the meeting.

Administrative Items

(2) Approval of Minutes

Regular Meeting of November 19, 2012
Public Hearing of November 19, 2012 "King Meadow Preserve"

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 November 19, 2012 and the minutes of the public hearing of November 19, 2012 "King Meadow Preserve" as written.

(3) Invoices

U.S. Postal Service dated December 3, 2012 for \$90.00
re: postage stamps

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the voucher for the U.S. Postal Service dated December 3, 2012 in the amount of \$90.00.

(4) Correspondence

Legal Notices from City of Fall River
Legal Notices from Dartmouth Conservation Commission

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

(5) Endorsement of Approval Not Required (ANR) Plans

Not Your Average Joe's State Road dated July 16, 2012

Present: Attorney Daniel Perry, representing Not Your Average Joe's

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The Planning Director stated that this ANR plan is for the purpose of combining all the interests in the paper street (Hickory Street) so that they can be conveyed to the abutting lot (the former Baker's Books lot). He noted no new buildable lots are being created.

Brief discussion ensued with Attorney Perry responding to specific questions related to the conveyed parcel.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller and unanimously voted (5-0) to endorse the ANR plan for Not Your Average Joe's for property located on State Road dated July 16, 2012.

(6) Time extension request on deadline to complete required improvements in the "Village at Cedar Dell" Subdivision

Present: Peter Rochford, Contractors Network, Inc.

The Planning Director noted the developer is requesting a 1-year extension to complete improvements in the Village at Cedar Dell Subdivision located off Fisher Road. He mentioned the developer has submitted a signoff from the lot owners of the only two lots sold stating that they have no objection.

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to extend the deadline to complete required improvements in the Definitive Subdivision Plan entitled the "Village at Cedar Dell" from January 25, 2013 to January 25, 2014.

(7) Approval of amendment to the Colonial Chrysler Parking Plan

Present: James Almonte, Waterman Design Associates, Inc.

The Planning Director noted this proposed amendment has been discussed at length by the Planning Board at previous Board meetings and the applicant has submitted revised site plans. He stated the revised plans are in conformance with the prior recommendations of the Planning Board. Mr. Perry mentioned that he just recently has become concerned that there are no parking spaces in front of the dealership building labeled for customer parking only. He questioned whether Board members are agreeable with this.

Discussion ensued. The Planning Board concurred that at least 4 spaces should be marked only as "customer parking".

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to amend, at the request of the applicant, the Certificate of Action dated May 8, 2012 for an 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 certificate was amended in accordance with the following:

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1. The Planning Board voted to delete in its entirety condition #2 which reads as follows:
“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.”
2. The Planning Board voted to modify condition #7 to allow the 11 future employee spaces to be used for employee and customer spaces and be so marked.
3. The Planning Board also voted to allow the spaces reserved separately for either customers or employees and located on the main site upon which the dealership building is located to be used and marked for both, except that at least 4 spaces adjacent to the building be labeled on the plan and identified on the site as “customer parking” only.

All other conditions of the original Certificate of Action for an Off-Street Parking Plan dated May 8, 2012 remain unchanged and still apply, including condition #1 requiring the construction of sidewalks along Norfolk Avenue. Moreover, the Planning Board’s approval of the above amendments is conditioned upon the acceptance of said condition #1. Should any appeal be made challenging the imposition of said condition #1, then the above amendments shall be without force and effect, and the original Certificate of Action dated May 8, 2012 shall continue to apply in its entirety.

(8) Approval of Planning Board meeting schedule thru March

Brief discussion ensued on the proposed meeting schedule presented to the Board members for their consideration. The Planning Board discussed its priority list mentioning the Board needs to conduct its annual ranking of long-range planning projects. The Board asked that this matter be placed on the next agenda for discussion.

The Planning Board agreed with the following meeting schedule:

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
Monday, January 14, 2013	-	NONE
Monday, January 21, 2013	-	NONE (MARTIN LUTHER KING DAY)
Monday, January 28, 2013	-	Regular Meeting/Long Range Planning
Monday, February 4, 2013	-	NONE
Monday, February 11, 2013	-	Regular Meeting/Long Range Planning
Monday, February 18, 2013	-	NONE (PRESIDENTS’ DAY)
Monday, February 25, 2013	-	Regular Meeting/Long Range Planning
Monday, March 4, 2013	-	NONE
Monday, March 11, 2013	-	Regular Meeting/Long Range Planning
Monday, March 18, 2013	-	NONE
Monday, March 25, 2013	-	Regular Meeting/Long Range Planning

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(9) Action on Off-Street Parking Plan for A & A Jewelers, 169 Rockdale Avenue

A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to accept the withdrawal request on the Off-Street Parking Plan for A & A Jewelers prepared for Jordan AGV, Inc. for property located at 169 Rockdale Avenue.

(10) Update on Priority Development and Protection Areas

The Planning Director mentioned that SRPEDD is revising the Priority Development and Protection Areas first developed as part of the South Coast Rail Project. He stated a meeting has been scheduled by SRPEDD to discuss this matter at the Select Board's meeting of December 17, 2012.

Discussion ensued.

The Planning Board expressed its willingness to provide input in the plan update and asked that Deborah Melino-Wender, who has been coordinating the update for the Town, meet with them to discuss their comments on the plan update.

(11) Planner's Report

- Lincoln Park Apartment Building

The Planning Director stated that architectural plans have been submitted for Town approval by the PAA (Plan Approval Authority) for a large 36 unit apartment building on the former Lincoln Park site. There is a public hearing scheduled on December 10, 2012. Mr. Perry noted these apartments will be applied to the Town's affordable housing count.

(12) For Your Information/New Business

- Notice from Attorney General's office re: Article 17 Fall Annual Town Meeting
- Board of Appeals decisions
- Public Hearing Notice for Hixville Estates Definitive Subdivision Plan
- 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 Mr. Mickelson, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:34 p.m.

Respectfully submitted,
Joyce J. Couture
Planning Aide