

**MINUTES OF REGULAR PLANNING BOARD MEETING OF SEPTEMBER 23, 2013**  
**Planning Board's Meeting Room #315, Town Office Building**  
**400 Slocum Road, Dartmouth, MA**

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**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  
Ms. Jane Kirby, 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 September 9, 2013

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the above referenced minutes as written.

August 5, 2013 Executive Session re: South Wharf Subdivision ongoing litigation

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the above referenced minutes as written.

- (2) Invoices**  
Southern New England APA Conference \$190.00

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the above referenced invoice.

- (3) Correspondence**  
Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission  
Legal Notices from Town of Freetown

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

**(4) Endorsement of Approval Not Required (ANR) Plans**  
Palmer River Development      Clarendon Street

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Present: Matthew Antonio

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Donald Perry, Planning Director, explained that this ANR plan is for land located at the easterly end of Clarendon Street, off Slocum Road, and creates a non-buildable lot to be used for the detention basin. He stated that it separates the detention basin from the buildable Lot 8A, and even though 8A does not meet minimum frontage and area requirements, 8A was confirmed buildable under a prior variance. The prior variance is referenced on the plan. This ANR can be endorsed.

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to endorse the Clarendon Street ANR plan.

**(5) Request to exchange Clarendon Estates Lot 8 with previously released lot to maintain 10 lot release maximum**

Present: Matthew Antonio

The Planning Director reviewed with the Board Mr. Antonio's request to release lot 8, and in exchange Lot 5 would be placed back under the Performance Covenant. The Performance Covenant for Lot 5 has been drafted and is available for the Board to sign if it agreed with this request.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to release Lot 8 and place Lot 5 back under the Performance Covenant for the Clarendon Estates subdivision.

**Appointment**

**(6) 7:00 P.M. Request to amend landscape plan for BayCoast Bank, and to review sign options, for property located at 299 State Road**

Present: Attorney Robert Feingold, Representing BayCoast Bank  
Carl Taber, Executive Vice President of BayCoast Bank  
Stephanie Fuss, Landscape Architect  
Alan Heurreux, P.E., Boucher and Heurreux Engineering

Chairman Avila recognized this appointment at 7:03 P.M.

The Planning Director noted a new sign design was submitted, which he found acceptable, and proceeded to outline tree change suggestions he had for the amended

landscape plan.

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Attorney Feingold spoke about the new, smaller sign design and stated that they are seeking approval for an amended landscape plan.

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Stephanie Fuss noted that the original plan was approved in 2011. She proceeded to review numerous renderings of the amended landscape plan, and submitted photos of the existing overgrown plantings. She then submitted proposed tree and shrub photos and information to the Board, detailing their location on the proposed plan.

The Board noted that the new landscape plan suggests the removal of six trees, recalling the last request to remove two trees was denied. The newly planted trees were proposed at 2 or 2 ½ calipers (standard size) and the Board did not feel that they would be substantial enough to replace the existing proposed trees.

The Planning Director suggested that the proposed trees should be replaced with American Elm and Alcova (alternated) as they are fast growing trees, and will thrive within 3 to 4 years.

Stephanie Fuss suggested the newly planted tree size as 3 ½ caliper rather than the standard size.

The general consensus of the Board was that the new sign is smaller and more attractive, and the amended landscape plan acceptable. However, Chairman Avila noticed the sign presented at this appointment showed LED lighting, which was not on the proposed sign design submitted to the Board.

Lengthy discussion ensued regarding the proposed sign's LED lighting. The Board expressed concern with driver safety if a lighted sign were permitted at this location, noting that it is one of the busiest intersections in Town. The Board worried about distracting drivers with moving and flashing messages or videos.

Attorney Feingold suggested some conditions for sign approval:

- No video
- No streaming or moving motion
- Time between non-moving lighted messages a minimum of five minutes
- Legal document to be recorded at the Registry of Deeds

Chairman Avila stated that he will not promote a sign that created a safety issue.

Planning Director Donald Perry reviewed changes to the proposed amended plan and condition language for the Board to vote on.

A motion was made by Stanley Mickelson, duly seconded by Lorri-Ann Miller for discussion, and voted (4-1) with Chairman Avila opposed, to approve the amended landscape plan and new sign design with the following conditions:

1. The landscape plan must be modified in the following manner:
  - A. Two Armstrong Maples are allowed, one on each side of the sign.
  - B. 6 Valley Forge Elms and two Zelkovas shall be planted along the frontage.
  - C. Three White Pine planted along the west side of the property.
  - D. Use Ilex glabra instead of Boxwood along the access drive.
  - E. The three trees along Old Westport Road should be moved into the center of the bed.
  - F. Newly planted trees are to be a minimum of 3 ½" caliper.
  
2. A legal document, recorded at the Registry of Deeds, must be delivered to the Planning Board. The agreement must cover BayCoast Bank's use of the property and any of its successor lessees, restricting the electronic sign as follows:
  - A. The message change rate will be no less than five minutes.
  - B. No video will be shown or used on the sign
  - C. No streaming of messages, and no moving or motion messages are allowed.
  - D. There will be a five year review from September 23, 2013 for the Planning Board to evaluate the electronic sign and decide if the above requirements should be modified.

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This appointment ended at 8:25 P.M.

**Administrative Items**

**(7) Endorsement of Subdivision Plan entitled "Integrity Lane"**

The Planning Director reminded the Board that this is a two-lot subdivision on the east side of Gaffney Road. The plan is ready for endorsement as the Town Clerk has certified no appeal, the plan was revised in accordance with the Planning Board's Certificate of Action of approval, and the Performance Covenant was received.

A motion was made by John Sousa, duly seconded by Stanley Mickelson for discussion,

and unanimously voted (5-0) to endorse the subdivision plan entitled "Integrity Lane".

**(8) Release of lots in the Definitive Subdivision Plan entitled "Thomas Henry Heights"**

Present: Joseph Lemieux

The Planning Director stated that lot release was contingent upon the Parcel A donation to the Town, noting that the Board received correspondence from Michael O'Reilly, Director of Environmental Affairs, stating that he received the Quitclaim Deed for "Parcel A" and that he will recommend that the Conservation Commission approve the transfer. Mr. O'Reilly noted that final approval is subject to the Conservation Commission, which would discuss the matter at its meeting of September 24, 2013.

Joseph Lemieux reminded the Board that sufficient surety has been posted.

Brief discussion ensued with the Board determining that the lots could be released conditioned upon the Conservation Commission's final approval.

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey for discussion, and unanimously voted (5-0) to release lots 3, 4, 5, 6, 7, 8, 9, 10 (8 lots) of the Thomas Henry Heights subdivision with the condition that the Conservation Commission give its final approval of the Parcel A donation to the Town.

**(9) Dartmouth Conservation Commission request for reduction in pavement variance support for Kraseman Street Lot Development**

The Planning Director reviewed the letter and plan submitted by Michael O'Reilly, Environmental Affairs Coordinator, and explained that the Conservation Commission was seeking Planning Board support to allow a reduction in the length of pavement required to create a lot on Kraseman Street.

The Board discussed the proposed pavement reduction and recalled that the road standards for this lot development were already reduced due to the fact that it is a dead end street. The Board noted that street widths and lengths have been studied closely with consultation of the Dartmouth Fire Chiefs and with national street standards to provide safe and reliable access, while managing runoff. The Planning Board therefore does not support a further reduction in the roadway standard. The Board requested that Mr. Perry send the Conservation Commission a letter.

**(10) Request to modify the Parking and Driveways Bylaw**

The Planning Director explained that the purpose of Paul Murphy's letter was to ask the Planning Board to consider modifying the section of the parking and driveway bylaw in residential districts that limits the number of driveway curb cuts. Mr. Perry agreed that

this bylaw can be improved and felt that at the very least, a Special Permit should be created to allow more than one curb cut. The standards of the bylaw itself could also be changed to allow a second curb cut in most cases by right.

Brief discussion ensued. The Board in general felt that circular driveways could be safer, and created more off-street parking.

The Board will consider a by-law change and suggested that Paul Murphy be invited to attend a meeting in the near future to discuss this issue.

The Board would like to discuss Mr. Murphy's sign by-law interpretation as well as his procedure to handle parking lot violations at the same meeting.

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

- Planner's Report  
Open Space Plan update

The next meeting will be held on October 6, 2013

SRPEDD 20 hours municipal assistance

The Board reviewed its priority list and determined that a sign and message board study would be an excellent use of this assistance.

Release of Lot 9, Clarendon Estates

The Planning Director noted that a covenant for this lot was required and has been submitted.

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

**(12) Long Range Planning – Discussion of Dartmouth Street/Bliss Corner zoning**

The Planning Director stated that the proposed rezoning map was revised to keep Lot 78 in the General Business District as directed by the Board.

The Board reviewed the draft goals and objectives language for the proposed rezoning.

A motion was made by John Sousa, duly seconded by Stanley Mickelson for discussion, and unanimously voted (5-0) to approve the draft rezoning map dated 9/23/13 for public hearing.

A motion was made by John Sousa, duly seconded by Stanley Mickelson for discussion, and unanimously voted (5-0) to approve the draft goals and objectives regarding Dartmouth Street/Bliss Corner rezoning to be added to the approved draft rezoning map dated 9/23/2013

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for public hearing.

With no further business, a motion was made by Lorri-Ann Miller, duly seconded by Stanley Mickelson, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:28 p.m.

Respectfully submitted,  
Jane Kirby  
Planning Aide

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