

MINUTES OF REGULAR PLANNING BOARD MEETING OF OCTOBER 7, 2013
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
Ms. Jane Kirby, Planning Aide

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DARTMOUTH TOWN CLERK

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 23, 2013

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the minutes of the regular meeting of September 23, 2013 as amended.

(2) Invoice

Jane Kirby for \$38.23

re: Reimbursement for office supplies purchased

A motion was made by Joseph Toomey, duly seconded by Stanley Mickelson for discussion, and unanimously voted (5-0) to approve the reimbursement.

(3) Correspondence

Legal Notices from Dartmouth Board of Appeals

Legal Notices from Dartmouth Conservation Commission

Legal Notices from Town of Freetown

Legal Notice from Fall River

Public Notice – US Army Corps of Engineers

(Proposed South Coast Rail Project)

Select Board's invitation for a joint meeting on Use Variances

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion. Mr. Sousa requested that the Board discuss the Select Board's invitation for a joint meeting under New Business, which the Board agreed to. The Board unanimously voted (5-0) to acknowledge and file the above referenced correspondence.

(4) For Your Information/New Business

- **Planner's Report**

SRPEDD Work Hours

Mr. Perry stated that the Planning Board's use of Municipal Assistance hours to review the Town's existing Sign Bylaws and Sign Design Standards has received Mr. Cressman's approval.

The Board determined that Goals and Objectives should be outlined and clarified to be used as a guide for this assistance. Mr. Perry will draft a letter for review at the next meeting.

Open Space Committee Meeting

Mr. Perry stated that the meeting was well attended and members were asked to review the open space questionnaire.

- South Coast Rail Regional Priority Areas and Draft PPA Maps
- Subcommittee Reports
- Board of Appeals decisions
- Planning Director's review for Board of Appeals
- Planning Board letters to others
- Planning staff timesheets

John Sousa requested the Board discuss the letter from the Select Board requesting a joint meeting regarding Use Variances be discussed at this time. The Board agreed.

A brief discussion ensued, and the Board determined that the chart sent with the Select Board's invitation was inaccurate. The Board requested that Mr. Perry provide the review letters he wrote to the Board of Appeals for the cases referenced in the chart. The Board asked that this topic be placed on the October 21st agenda to be discussed prior to the November 4th joint meeting with the Select Board.

(5) Long Range Planning - Draft Medical Marijuana Bylaw

Correspondence received:

- Letter from Tom Davis, Executive Director, Greater New Bedford Industrial Foundation dated September 9, 2013
- Letter from Wendy Henderson, Director of Public Health, dated September 18, 2013
- Letter from Gloria Bancroft dated September 23, 2013

Mr. Perry noted that the Board's draft Medical Marijuana Bylaw was sent to everyone on the Zoning Bylaw Reviewer's list for review and comment.

As a result of the correspondence received, Mr. Perry had the following changes for

consideration at this meeting:

1. For the General Industrial District, retail distribution should not be allowed in accordance with Tom Davis' letter. This should be considered in light of the fact, that upon closer review of the General Industrial District, some areas of the General Industrial District's zoned land are just east of High Hill Road. Section 16 prohibits access to a non-residential district through a residential zone and this has kept this area from being developed. However, if the owner created a subdivision road and had it accepted as a public way, access could be created.

The Planning Board needs to decide if the potential for a Medical Marijuana Facility to be accessed from High Hill Road is reason enough to drop the General Industrial District from consideration or if limiting the Medical Marijuana Facility to a grow only facility adequately addresses potential traffic issues.

2. The definition of "where children regularly congregate" and how to measure distance from such facilities needs to be clarified. The state regulations seem to imply the 500 feet setback as a default requirement if the community does not have its own siting requirements. The Board is therefore free to increase or decrease the distance and create a definition for which child care facilities apply. It could also delete this requirement entirely. Planning Staff does not see the need for this requirement at all but if kept, a setback of 200 feet is more than adequate from any use areas. The areas where children congregate should be defined only as daycare centers and schools from Kindergarten thru Grade 12.
3. Fencing could detract from the overall appearance of the area. Perhaps a requirement that security fencing must be setback a minimum distance from streets and also not placed between the front of the building and street.

After considering the above, the Board made amendments to the draft bylaw, which included:

- Retail hours of operation from 7 a.m. – 9 p.m.
- Fencing and setback language
- Definition of "where children regularly congregate" to mean daycare centers and public schools from K-12

The revisions will be made to the draft bylaw and will be presented at a public hearing when finalized (unscheduled at this time).

(6) Long Range Planning – Discussion of Bliss Corner/Dartmouth Street Zoning

The draft map and Goals and Objectives were approved by the Board at its meeting of

September 23, 2013 to be presented at a public hearing (unscheduled at this time).

Donald Perry, Planning Director, submitted draft Mixed Use Zoning text (22 pages) for Board review and discussion, noting that the Mixed Use Zone would be the areas left in what is now the General Business District after rezoning the Bliss Corner/Dartmouth Street area (lots shown as pink on the approved rezoning map).

The Board reviewed and discussed the draft Mixed Use Zoning language, and made numerous amendments.

Revisions will be made to the original draft language and submitted for review at the October 21, 2013 Planning Board meeting.

The Chairman asked if there was any other business this evening. There was none. Chairman Avila noted that the next Planning Board meeting is scheduled for October 21, 2013, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Stanley Mickelson, seconded by Lorri-Ann Miller, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:00 p.m.

Respectfully submitted,
Jane Kirby, Planning Aide

APPROVED BY:
The Dartmouth Planning Board



