



Town of Dartmouth
400 Slocum Road
Dartmouth, MA 02747

Board of Selectmen

Select Board Members Present:

Michael P. Watson-Chairman
Lara H. Stone-Vice-Chairwoman
William J. Trimble

Joseph Michaud
Shawn McDonald

The Chairman called the public meeting to order at 6:30 p.m. on February 27, 2012 in Room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

Date	Warrant #	Warrant Description	Amount
2/11/2012	PR33	Payroll Expense	\$895,218.42
2/16/2012	PD1233	Payroll Deduction	\$2,156,576.18
2/18/2012	PR34	Payroll Expense	\$958,733.81
2/21/2012	D1234	DPW Expense	\$233,926.05
2/21/2012	P1234	Police Expense	\$24,143.86
2/21/2012	S1234	School Expense	\$411,489.24
2/21/2012	T1234	Town Expense	\$551,806.54
2/23/2012	PD1234	Payroll Deduction	\$4,614,042.48
2/27/2012	P1235	Police Expense	\$26,250.38
2/27/2012	T1235	Town Expense	\$68,397.92

I. Appointments:

6:30 p.m. Police Candidates.

- Chief Lee introduced four Police Candidates for appointment to the Police Academy: Jason Arruda, Kyle Berube, Christopher Flechsig, and Paul O'Donnell.

- *After a motion was made by Selectman William Trimble and seconded by Vice-Chairwoman Lara Stone it was voted unanimously to approve the appointment of Jason Arruda upon completion of the MPTC Police Academy.*
- *After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald it was voted unanimously to approve the appointment of Kyle Berube upon completion of the MPTC Police Academy.*
- *After a motion was made by Selectman William Trimble and seconded by Vice-Chairwoman Lara Stone it was voted unanimously to approve the appointment of Christopher Flechsig upon completion of the MPTC Police Academy.*
- *After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald it was voted unanimously to approve the appointment of Paul O'Donnell upon completion of the MPTC Police Academy.*

6:50 p.m. Police Department Certification.

- On January 26, 2012 the Dartmouth Police Department became a certified police department by the Massachusetts Accreditation Commission. The Dartmouth Police Department will continue the process for full accreditation and hopes to have full accreditation by May, 2012.

7:00 p.m. Information on the Con Ed Solar Project-George Germano

- Consolidated Edison (Con Ed) presented the Select Board and Town residents with a presentation on the Solar Project located at Hixville Road:

Dartmouth II Project Benefits (Hixville Road)

- Renewable Energy source
- Clean, Quiet Energy Production
- Supplies electricity when needed most
- Reduces reliance on conventional fossil fueled sources
- Does not impact School System
- Will not require public water or sewer services
- Tax revenue provided to the Town of Dartmouth
- Supports Green Community Act legislation
- Project supports Governor's goal of creating 250 MW

(To obtain a copy of the Con Ed presentation in its entirety, please go to the Select Board's office)

-Mr. and Mrs. Noseworthy addressed the Select Board concerning the Con Ed project. (Please See Below)

- Not against solar farms.
- Wants to preserve Dartmouth and its integrity.
- Against the devastation of residential areas.
- There are currently no restrictions of solar farms in residential areas.
- Other communities have interfered and helped protect their residential neighborhoods when it comes to solar farms.
- Other communities have established overlay by-laws for residential areas.
- Would like to have the current project tabled due to violated laws.
- Would like to prevent the issuance of a building permit.
- Would like a Cease and Desist order in place to stop the furthering of this project.
- Would like the residents to be given the buffer and landscape plans prior to the issuance of a building permit.
- Would like to have a Moratorium issued to stop any further solar farm applications from being accepted.
- We are officially submitting a petition to the Select Board to call a Special Town Meeting to allow the Town to reassess the by-laws and health concerns of Town residents.
- Health Concern-Electro Magnetic Radiation.

Questions

- State of Massachusetts requires one solar farm, why isn't Reed Rd. sufficient?
- How are the Towns listed below putting a hold on solar farms and Dartmouth cannot?
 - Holliston
 - Ashland
 - Dover
 - Millis
 - Sherburne
- What is our current zoning by-law in regards to residential land owners leasing space to commercial lessee's for commercial use?
- The Agricultural Committee has informed us of 64 acres of 61A land that has been targeted on Fisher/Woodcock Rd. for another potential solar farm, how do we prevent this?
- How did the wind turbines get stopped?
- What can we do to stop this project now?
- How would the Town owe money if we stopped the project? If this is only between Con Ed and the landowner then how is the Town involved?
- How did 13 acres of property get stripped and site construction occur without a zoning variance?
- We were not given any blasting notice, is this a violation?

- They currently have drainage routed toward the wetlands and have disturbed soiled and broken branches beyond the silk fence protecting the wetlands, is this a violation?

Responses from Dave Cressman, Executive Administrator

- The site is currently conducting land clearing activity and it is not a solar farm until a building permit is issued.
- The issuance of a building permit will allow us to monitor the project.
- A land owner/lessee can move land around without a building permit.
- A land owner/lessee who is in conformance with all building codes and zoning requirements cannot be withheld a building permit.
- In regards to blasting, Chief Arruda has informed Dave Cressman that no residents were in the 250 ft. requirement for notice of blasting. Therefore no notice or survey was needed. The Executive Administrator nor Select Board has anything to do with blasting.
- Zoning determination-submit in writing to the Director of Inspectional Services and he will respond formally in a written letter.
- Any drainage issues/complaints should be brought to the attention of Mike O'Reilly in the Conservation Department.
- A Moratorium is a Town meeting action, Dave Cressman would like to review the other towns' documents presented by Mrs. Noseworthy.
- Section 6 of the Zoning Act under M.G.L., if someone has a building permit today, you cannot stop it tomorrow.
- Future projects may be affected by a zoning amendment but not Hixville.
- The project cannot be stopped because it is already underway.
- A zoning amendment can be brought before Town Meeting.

-Paul Murphy addressed the Select Board concerning the Con Ed project.

(Please See Below)

- Legally Con Ed is allowed to prepare the site for permits including cutting down trees.
- A building permit was not issued and was not needed for tree removal.
- Con Ed is following the Town's by-law

-Selectman William Trimble addressed the Select Board concerning the Con Ed project.

(Please See Below)

- We have a zoning by-law that allows for the development on Hixville Rd., we have no choice but to issue a building permit within 30 days of Con Ed's request for one.
- The developer could take the Town to court by law if we prohibited them from building on a buildable lot.
- Con Ed is meeting all zoning requirements.
- The Reed Rd. solar farm site was permitted in July of 2010 under a different by-law that required no buffer.

-Town Meeting Member, Ms. Bancroft addressed the Select Board concerning the Con Ed project. (Please See Below)

- Would like to amend the by-law.
- Would like for a hold to be placed on the Hixville project.
- Would like to know the Moratorium process.
- Wants research conducted on noise, glare, health and heating differentials.

7:25 p.m. Common Victualler for Prestige Dartmouth.

- Prestige Dartmouth has applied for a Common Victualler License

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman William Trimble, it was voted unanimously to approve a Common Victualler License for Prestige Dartmouth.

8:00 p.m. **Continued**-Hearing-Application of Maggie Dunn Restaurant, d/b/a The Sail Loft, 246 Elm St., for a Year Round Restaurant/All Alcohol License, Entertainment License and A Common Victualler License. Manager Jason P. Lanagan.

Chairman opened the hearing

- Mr. Lanagan would like an extended liquor license.
- Would like to be open 7 days a week, year round.
- Full service restaurant.
- Wants to have seasonal entertainment (willing to restrict music hours if needed.)
- Valet parking and parking at South wharf.
- Extended hours to 1 a.m. with a full menu until 10 p.m. and a limited menu until 12 a.m.
- Would like to serve breakfast starting at 7a.m.

Residents' concerns:

- Would like restrictions on licenses given to the Sail Loft.
- Would like a standard liquor license.
- Noise level concerns.
- Reduce bar seating with limited outside liquor service.
- Concerns on parking.
- Would like restricted hours of operation.
- Would like limited amplification in regards to musical equipment.

Chairman closed the hearing

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to approve a year Round Restaurant/All Alcohol License, Entertainment License and A Common Victualler License for The Sail Loft, 246 Elm Street with the following restrictions:

- Liquor hours: 10 a.m. to 1 a.m. Monday through Sunday.*
- Valet Service for Patron Parking.*
- Outdoor Service Bar only with no deck stools.*
- Open for breakfast at 7 a.m. with no liquor service until 10a.m.*
- Indoor entertainment (Thursday through Sunday from 8 p.m.-12 p.m. with limited amplification)*
- Outdoor entertainment (Thursday through Sunday from 2 p.m. to 7 p.m., acoustic only)*

II. New Business:

A. Red Flag Policy.

- To prevent identity theft, secure residents private and personal information. (Identity Theft Prevention)*

After a motion was made by Selectman William Trimble and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to approve the Red Flag Policy.

B. Application of Ruby Tuesday's for a Change of Directors.

- Ruby Tuesday's would like the approval to change directors.*

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to approve Ruby Tuesday's application for a Change of Directors.

C. Street Lights.

- In 2004 the Town purchased the street lights from NStar, however failed to recognize the cost for maintenance. We are at the point in time where the street lights are burning out rapidly and we are experiencing many non-functional lights. David Cressman has submitted a Capital Improvement Project for the replacement of these lights with new LED lights. LED lights have a longer life of 10 years and are much more energy efficient. UMass Dartmouth's Energy Engineer Department has agreed to work on the specs. for the project. By replacing the lights with LED lights and creating a Stabilization Fund with the money we are saving from the new lights, we will be able to maintain the street lights in the future.*

III. Minutes:

Minutes of February 13, 2012.

After a motion was made by Selectman Joseph Michaud and seconded by Vice-Chairwoman Lara Stone, it was voted (3-0) with (2) abstentions (Trimble, Watson) to approve the minutes of February 13, 2012.

IV. Announcements:

Sister City Annual Gathering will be held on April 1, 2012 at the Venus De Milo, 75 GAR Highway, Swansea, MA; the tickets will cost \$30.00 per person. Please RSVP to Gill at 508-207-3564 by March 2, 2012.

After a motion was made by Chairman Michael Watson and seconded by Selectman Shawn McDonald, it was voted unanimously to adjourn.

Attest:

David G. Cressman, Executive Administrator

Transcribed by: Stephaney L. Santiago