



**MINUTES OF REGULAR PLANNING BOARD MEETING  
FEBRUARY 24, 2014  
Planning Board's Meeting Room #315  
Town Office Building, 400 Slocum Road, Dartmouth, MA**

**Planning Board**

Mr. Joel Avila, Chairman  
Mr. Joseph Toomey, Vice Chairman (absent)  
Mrs. Lorri-Ann Miller, Clerk  
Mr. John V. Sousa  
Mr. Stanley 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 Planning Board members and Planning Staff present. Joseph Toomey was absent.

**Administrative Items**

**(1) Correspondence**

Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission  
Letter dated January 27, 2014 from Attorney Savastano regarding minor amendments to approved subdivision plans

A motion was made by John Sousa, duly seconded by Stanley Mickelson for discussion, and voted (4 yes-1 absent) to acknowledge and file the above-referenced correspondence.

**(2) Endorsement of Approval Not Required (ANR) Plans**

**Saulnier/Booth                      Woodcock Road                      plan dated 2/04/2014**

The Planning Director stated that this ANR creates two non-buildable parcels and one new buildable parcel from land located on the south side of Woodcock Road. It was previously the subject of an Estate Lot ANR, which the owners decided not to pursue and now would like to divide the lot as shown on this plan.

Lots are described as follows:

Parcel A – the existing Saulnier lot with house  
Parcel B – the existing Booth lot with house  
Parcel C - a new, buildable parcel  
Parcel D – a non-buildable parcel due to lack of frontage  
Parcel E – a non-buildable parcel due to lack of frontage

A motion was made by John Sousa, duly seconded by Stanley Mickelson, and voted (4 yes-1 absent) to endorse the ANR plan for Saulnier/Booth.



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**(2) Endorsement of Approval Not Required (ANR) Plans  
Midway Realty, LLC      Midway Park Drive      plan dated 2/17/2014**

The Planning Director stated that this ANR creates a parcel for one of the apartments in the Lincoln Park 40R District south of State Road. Frontage is gained off Midway Park Drive, which is built and bonded. The lot meets the area and frontage requirements of the General Business District.

A motion was made by Stanley Mickelson, duly seconded by John Sousa, and voted (4 yes-1 absent) to endorse the ANR plan for Midway Realty, LLC.

**(3) Planning Board meeting schedule through June 2014**

Discussion commenced on the proposed Planning Board meeting schedule.

The Board agreed with the following meeting schedule:

March 10, 2014	Regular Meeting/Public Hearing
March 17, 2014	NONE
March 24, 2014	Regular Meeting/Long Range Planning
March 31, 2014	NONE
April 7, 2014	Regular Meeting/Public Hearing (Zoning Articles)
April 14, 2014	Regular Meeting/Long Range Planning
April 21, 2014	NONE (Patriot's Day)
April 28, 2014	NONE
May 5, 2014	Regular Meeting/Long Range Planning
May 26, 2014	NONE (Memorial Day)
June 2, 2014	Regular Meeting/Long Range Planning
June 3, 2014	Spring Annual Town Meeting
June 9, 2014	NONE
June 16, 2014	Regular Meeting/Long Range Planning
June 23, 2014	NONE
June 30, 2014	Regular Meeting/Long Range Planning

**Appointment**

**(4) 7:05 P.M.    Al Amaral**  
RE: Proposed Retail Plaza for 710 State Road

The Planning Director explained that Mr. Amaral requested this appointment to discuss the issues raised in the follow-up letter he received after the Planning Board's preliminary parking plan review letter for the proposed retail building and parking lot. The letter indicated that the Board would not be supportive of any



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Board of Appeals variance relief since the property is located in the Aquifer Protection District. Mr. Amaral is seeking further input from the Board and submitted a letter which states that there was an error in the lot coverage calculation which goes on to explain the error in detail. The Planning Director explained that Mr. Amaral's engineer had miscalculated the proposed lot coverage. In addition, old gravel parking areas are considered "coverage" under the Aquifer Bylaw, which is grandfathered. Consequently, lot coverage would then be reduced from 45% to 35% - an improvement.

At this time, Mr. Amaral reviewed the lot's history as a used car lot and showed the previous gravel lot coverage on the aerial photo he submitted.

The Board felt that a retail building at this location is a better use of the property than the used car lot. Mr. Perry noted that sidewalks and landscaping could be added to improve the Town and to neutralize the lot coverage issue in this Aquifer Protection District (requiring a variance).

The Board will eliminate its opposition if Mr. Amaral moves forward with a variance request and provide additional amenities such as sidewalks, landscaping, and parking lot filtration.

A motion was made by John Sousa, duly seconded by Stanley Mickelson, and voted (4 Yes-1 absent) to not oppose a lot coverage variance if Mr. Amaral moves forward with a variance application.

**(6) Extension Request – Riverside Woods**

The Planning Director reminded the Board that Riverside Woods is the 11 lot OSRD subdivision off of Chase Road just south of Old Westport Road. The applicant is requesting a time extension to complete improvements from February 22, 2014 to February 22, 2015. A previous extension was granted a year ago. The Planning Board has \$74,000 in cash surety held, and two lots have not been released.

Considering that the remaining work can't be completed in mid-winter and that adequate surety is being held, Mr. Perry recommended allowing the extension but only until June 30, 2014. He explained that since the remaining items are relatively minor and could be done once the weather improves, a June 30<sup>th</sup> deadline seemed reasonable. If the work has not been completed by June 30<sup>th</sup>, there will still be enough time to pull the surety and have the work done before next winter.

A motion was made by Stanley Mickelson, duly seconded by Lorri-Ann Miller, and voted (4 yes-1 absent) to allow a time extension for the remaining subdivision improvements to June 30, 2014.



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FEBRUARY 24, 2014  
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**(7) Review of Special Permit – Medical Marijuana Bylaw Article**

The Planning Director reviewed the changes made to this Special Permit bylaw article as recommended by the Planning Board at its meeting of February 10, 2014. It was noted that the Select Board will be co-sponsoring this article. Action on this article is included in agenda item #8.

**(8) Submission of Zoning Articles to Select Board for Spring Annual Town Meeting**

Final review of the following articles:

**Amendment to 11.503 – Sign Bylaw**

(Multi-business building(s) located within 100 feet of street line)

**Exemptions from Setback Requirements**

(Building elements exempt from setback requirements)

**Amend Section 5.404 – Setbacks**

(Delete 30 feet and replace with 20 feet from street line for buildings or structures in existence prior to October 26, 1993)

**Amendment to Parking and Driveway Bylaw**

(Two curb cuts on lots with frontage of 100 feet or less)

**Registered Marijuana Dispensaries (RMD) by Special Permit**

(Only in Office Industrial and General Industrial Districts)

**Use Variance Amendment**

(Prohibit grant of Use Variances in Residential A, B, and C Districts)

A motion was made by John Sousa, duly seconded by Stanley Mickelson, and voted (4 yes – 1 absent) to forward the above-referenced articles to the Select Board for inclusion in the Spring Annual Town Meeting Warrant.

A public hearing for the proposed articles will be held on April 7, 2014.

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

**Planner's Report**

Proposed laboratory use at 166 Chase Road

The Planning Director informed the Board that this is a Special Permit application that will go before the Board of Appeals for a proposed laboratory use. No changes to the building exterior or parking will be proposed. The property is located in the residential district and was formally a veterinary hospital. A brief discussion ensued with the Board offering various opinions for this proposal.



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Planner's Report (cont.)  
Burgo Basketball

The Planning Director reminded the Board that they had approved an off-street parking plan in the past, but they are proposing to construct a 16,000 square foot gym (1200 – 1600 seats). This will require off-street parking review from the Planning Board at some point in the future.

Proposed Single Residence C zoning article by Citizen's Petition

The article is seeking to reduce some of the setback requirements for the small lots in the Lincoln Park Single Residence C District.

Chairman Avila recognized Deborah Wender's presence, and requested that the Board hear from her at this time. For Your Information/New Business will be revisited at the conclusion of her appointment.

**Appointment**

**(5) 7:25 P.M. Deborah Wender – Gateway Zoning/Affordable Housing**

Deborah Wender began by stating that she has been working with the Planning Director and SRPEDD on "Gateway Zoning", which is defined as the Rte. 6 area between the New Bedford line and Slocum Road. She noted that the Town had SRPEDD do a study about potential uses in this area, and this zoning study is a follow-up to the implementation of the recommendations that appeared in that study.

She proceeded to review the State's Department of Housing and Community Development's "Compact Neighborhoods Policy" with the Board, and what a Compact Neighborhood Zoning District must include in terms of increased density as well as the affordable housing component. She further explained that Compact Neighborhood Zoning is unable to restrict the number of bedrooms allowed in the units and unable to age-restrict units. It was suggested that Compact Neighborhood Zoning could be located in the Bliss Corner/Dartmouth Street area. She noted that towns with Compact Neighborhood Zoning are looked upon favorably when applying for grants through the State. She also noted that grants are available to towns seeking technical assistance if they are considering this type of zoning.

At this time, Ms. Wender submitted a "Pocket Neighborhoods" informational packet to the Board and gave a quick overview so the Board could have options when thinking about affordable housing.



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The Board discussed higher density housing and affordable housing briefly, and thanked Deborah Wender for the information.

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

A Board member asked if the Planning Director heard from the School Department regarding the Middle School parking lot safety issue and zoning violations. The Planning Director will send a letter to Mr. Kiely, School Manager, asking for an update.

With no further business to discuss, Chairman Avila noted the next Planning Board meeting is scheduled for March 10, 2014 in Room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Lorri-Ann Miller, duly seconded by Stanley Mickelson, and unanimously voted (4 yes – 1 absent) to adjourn this evening's regular meeting at 8:15 p.m.

Respectfully submitted,  
Jane Kirby  
Planning Aide

**APPROVED BY:**  
The Dartmouth Planning Board

*J. Avila* 3/10/14  
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