



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**April 14, 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  
Mrs. Lorri-Ann Miller, Clerk  
Mr. John V. Sousa

**Planning Staff**

Mr. Donald A. Perry, Planning Director  
Ms. Jane Kirby, Planning Aide

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The Chairman called the meeting to order at 7:00 p.m., with all Planning Board members and Planning Staff present.

*(Planning Board member Stanley Mickelson resigned effective April 4, 2014)*

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of March 31, 2014  
Public Hearing of March 31, 2014 re: Zoning Articles A through G

A motion was made by Joseph Toomey, duly seconded by John Sousa, and unanimously voted (4-0) to approve the regular Planning Board meeting minutes of March 31, 2014 and the Public Hearing minutes of March 31, 2014.

**(2) Correspondence**

Legal Notices from Dartmouth Conservation Commission  
Legal Notice from Dartmouth Lincoln Park Plan Approval Authority  
Legal Notice from Town of Westport  
Legal Notice from Town of Freetown

A motion was made by Joseph Toomey, duly seconded by John Sousa, and unanimously voted (4-0) to acknowledge and file the above-referenced correspondence.

**(3) Endorsement of Approval Not Required (ANR) Plan**

Chase Road                      Thomas & Diane Moses                      April 2, 2014

The Planning Director explained that this ANR is for property located on the west side of Chase Road, just south of Old Westport Road and will create one new buildable lot, and a remaining lot with an existing dwelling on it. He stated that both lots comply with the frontage and area requirements of the Single Residence B Zoning District and that the plan can be endorsed.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (4-0) to endorse the above-referenced ANR plan.



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**(4) Filling Planning Board Member Vacancy**

The Planning Board accepted the resignation of Stanley Mickelson, who is now on the Select Board. The Planning Director reviewed the process of appointing a new member with a combined vote of the Planning Board and the Select Board (in accordance with M.G.L. Chapter 41, §81-A). Two letters of interest were received, which the Planning Board will forward to the Select Board for their information.

The Planning Board will request a joint meeting with the Select Board, and asked the Planning Director to work with the Town Administrator to ensure that both Boards receive the same information in an effort to fill this vacancy at the joint meeting.

**(5) Election of Planning Board Officers and other Appointments**

John Sousa motioned to maintain the following officers and representatives in other capacities as:

Joel Avila	Chairman
Joseph E. Toomey, Jr.	Vice-Chairman
Lorri-Ann Miller	Clerk

SRPEDD Commission	Lorri-Ann Miller
Soil Conservation Board	Joseph E. Toomey, Jr.
Municipal Facilities Committee	Joseph E. Toomey, Jr.
Community Preservation Committee	John Sousa
Agricultural Preservation Trust Council	Lorri-Ann Miller

This motion was seconded by Lorri-Ann Miller for discussion.

A brief discussion regarding Special Employee Status took place at this time, with the Planning Director explaining that Planning Board members are not Special Employees. He noted that Special Employee Status is given to all members of a Board, not a person. The Board must request Special Employee Status through the Select Board and state the reasons why Board members should receive Special Employee Status.

The positions of Alternate Board Member and Lincoln Park Plan Approval Authority were discussed and the Board determined these positions should not be filled until a new Planning Board member is appointed to replace Stanley Mickelson.

At this time, the Board voted (4-0) the above-referenced officer and Planning Board representatives in other capacities.



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**Public Hearing**

**(6) Applicant: Daniel King**

Seeking permission for stonewall and tree removal on a designated scenic road  
Bakerville Road

This request is to remove one living tree, one dead tree, to trim for visibility two trees, and to remove two 18 foot wide sections of stone wall in front of Lot 12 on Assessor's Map 34 on Bakerville Road.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and voted (4-0) to go into a public hearing<sup>1</sup> at 7:23 p.m.

The regular meeting resumed at 7:26 p.m.

**Administrative**

**(7) Action on Scenic Road Request of Daniel King – Bakerville Road**

The Planning Director recommended approving the request to remove a tree and a portion of a stone wall with the following conditions:

1. The stone removed from the openings will be kept on site and will be used to create stone wall returns.
2. Upright stones will frame the openings.
3. A new tree will be planted near the tree to be removed.
4. All in accordance with the submitted plan on file.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and voted (4-0) to approve the request to remove one living tree, one dead tree, to trim two trees, and to remove two 18 foot wide sections of a stone wall located on Bakerville Road with the above conditions.

**(8) Initial Review of Off-Street Parking Plan for a Behavioral Health Care Center  
581 Faunce Corner Road**

Present: Christopher T. Saunders, Esq. – Representing PRC1, Inc.

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<sup>1</sup> For more information, see minutes of Planning Board's Public Hearing dated April 14, 2014 and entitled "Request for Permission to Remove Trees/Stonewalls on Bakerville Road"



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The Planning Director reminded the Board that this off-street plan was reviewed preliminarily by the Planning Board, and the applicant was given a list of issues to revise the plans. He stated that most of the issues were addressed except a few that could be conditions of approval in the Certificate of Action if the Board approved the plan.

Chairman Avila invited Attorney Saunders to address the Board.

Attorney Saunders gave a quick overview of the project:

- 87,000 s.f. one-story behavioral care facility
- 144 beds
- Short-term, inpatient care

Attorney Saunders explained that the plan was revised to show a total of 218 parking spaces where 435 parking spaces are required by zoning; with the Zoning Board of Appeals approving the variance with conditions. He noted that one variance condition required a build-out plan submittal to ensure that if the spaces are needed in the future, they would be available to be constructed. (Submitted a build-out plan showing 435 parking spaces).

Attorney Saunders proceeded to review the revised plan with the Board:

- Added second egress
- Additional parking space locations
- Walkways
- Dumpster location
- Fire lane

A brief discussion ensued in terms of the need to have consistency with the plan approved by the Zoning Board of Appeals and the plan reviewed by the Planning Board.

Planning Aide Jane Kirby informed the Board that the variance decision basically allows the Planning Board to be the site plan review authority for this project, with the Planning Board's final approved plan becoming the Board of Appeals "Plan of Record".

The Board also discussed possible building expansion or changes in use that may require more parking. Attorney Saunders explained that the variance conditions will ensure that if more parking is needed, the additional spaces will be constructed as shown on the build-out plan. The Board stressed the need to have the variance referenced in its Certificate of Action.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and voted (4-0) to approve the revised parking plan in accordance with the following Certificate of



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Action.

The Plan referred to in this action is listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
New Behavioral Health Center Existing Conditions	C1.0	March 17, 2014
New Behavioral Health Center Notes	C2.0	March 17, 2014
New Behavioral Health Center Erosion Control Plan	C3.0	March 17, 2014
New Behavioral Health Center Erosion Control Plan	C3.1	March 17, 2014
New Behavioral Health Center Demolition Plan	C4.0	March 17, 2014
New Behavioral Health Center Demolition Plan	C4.1	March 17, 2014
New Behavioral Health Center Site Layout Plan	C5.0	March 17, 2014
New Behavioral Health Center Site Layout Plan	C5.1	March 17, 2014
New Behavioral Health Center Grading and Drainage Plan	C6.0	March 17, 2014
New Behavioral Health Center Grading and Drainage Plan	C6.1	March 17, 2014
New Behavioral Health Center Utility Plan	C7.0	March 17, 2014
New Behavioral Health Center Utility Plan	C7.1	March 17, 2014
New Behavioral Health Center Details	C8.0	March 17, 2014
New Behavioral Health Center Details	C8.1	March 17, 2014
New Behavioral Health Center Details	C8.2	March 17, 2014
New Behavioral Health Center Site Lighting Plan	EL1.0	March 17, 2014
New Behavioral Health Center Landscape Plan	L1.0	March 17, 2014

Conditions of approval are listed below:

1. The fire lane must be laid out in a manner approved by the Fire Chief of



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District #3. The scale of the plan must be satisfactory for the Fire Chief to review the fire lane on the plan.

2. The pedestrian walk-thru S9 should align with the sidewalk to the north of the building.
3. Sidewalk links are needed on the south side of the building (loading area) and northwest corner of the building to create a sidewalk connection around the building.
4. The landscape plan needs the following modifications:
  - A. The perimeter evergreen screen landscaping is more than requested in some areas and less in others.

The plantings at the rear of the building, east of the drive, need only consist of the 9 shown shade trees.

The evergreen screen along the rear of the property is not needed.

The side evergreen screens only need to go 100' east of the rear drive.

The evergreen screen to the south of the building needs to be double rows staggered, and the Leyland Cypress here need to be mixed more with either pines or spruces (in a double, staggered row).

An evergreen screen meeting these requirements also is missing from an area south of the building and must be added. Since this area is narrow, a single mixed row of evergreen screening trees can be provided.
  - B. The Pinus Nigra must be replaced with either White Pine or Spruce since Pinus Nigra is susceptible to a fatal disease here.
5. The items identified by the Town's drainage consultant shall be addressed. The following items identified as changes to the plans must be shown on a revised set of plans.
  - A. Erosion Control Maintenance Plan:  
An Erosion Control Maintenance Plan should be added to the Site Plans.



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- B. Catch Basin Sediment Trap:  
Add catch basin sediment traps (hay bales or silt sacks) to the plans.
- C. Temporary Construction Entrance:  
The plans only show one construction entrance, but the following note should be added to the plans: "All points of construction ingress or egress shall be protected to prevent tracking of mud onto public ways through use of stabilized construction entrances and wheel wash areas".
- D. Surface Drainage During Construction:  
Add the following notes to the plans:  
  
"The contractor shall maintain surface drainage during construction"  
  
"Temporary diversion swales shall be provided as necessary to direct runoff to the sediment basins during construction"
- E. Storm Water Prevention Plan:  
Add the following note to the plans:  
  
"Contractor shall be responsible for the filing of the storm water pollution prevention plan and any necessary documents required by the NPDES general permit".
- F. Maintenance Plan for the Proposed Detention Basins/Drainage System:  
A maintenance plan for the storm water drainage system should be included in the Drainage Report and Site Plans.
- G. Demolition Plan:  
Add the following note to the Demolition Plan:  
  
"Contractor shall dispose of all demolition materials in accordance with applicable federal, state and local regulations, ordinances and statutes".
6. Add a plan entitled "Possible Build out Plan" to the set of approved plans showing the 435 parking spaces.
7. This approval is subject to a Board of Appeals variance that allowed a reduction in the required number of parking spaces, and included conditions that affect any future building expansion, change of occupancy,



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changes to the use, or intensity of use. Such future changes may require compliance with the full number of required off-street parking spaces as shown on the "Possible Build out Plan". The above shall appear as a note on the parking plan.

Four sets of plans incorporating the above conditions shall be submitted to the Planning Office.

The Director of Inspectional Services shall not issue a building permit until a letter is received from Planning Staff and an approved revised plan is forwarded with the letter.

Approval of this plan does not imply compliance with other Town ordinances, standards, and/or requirements administered by other Town agencies.

**Appointment**

- (9) 7:50 P.M. Chief Richard Arruda, Fire District #3**  
RE: Fire Lane Standards

The Planning Director forwarded information to the Board regarding creating uniform standards for fire lanes, explaining that currently Section 16.202E requires fire lanes only around community or regional shopping centers (200,000 s.f. buildings or greater). He stated that there are no standards for how those fire lanes are laid out.

Chief Arruda recommended an amendment to Section 16 stating that fire lanes will be required as directed by the Fire Chief meeting the design standards.

The Board requested that the Planning Director work with Chief Arruda to develop Article language that provides guidelines for standardized fire lanes. The Board also noted that all the Town's Fire Chiefs should be in agreement with the language.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and voted (4-0) to authorize the Planning Director to develop an Article to amend Section 16 to provide guidelines for standardized fire lanes. The Board requested this language be ready for the next Fall Town Meeting.

- (10) Chapter 61A – Barnes Property, Potomska Road**

The Planning Director explained that this 12 acre property is located on Potomska Road and has 1,100 feet of frontage and in conjunction with the DNRT property on the opposite side of the road, completes a very scenic, wooded stretch of Potomska Road. He stated that the property also meets other





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important criteria for exercising the Town's option to purchase.

The Board noted that the Planning Board's evaluation of this property is from an open space planning perspective only and does not take into account the Town's ability to fund such purchases.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and voted (4-0) to recommend to the Select Board to exercise the Town's option to purchase the property.

**(11) Planners Report**

Chase Road Laboratory

Mr. Perry informed the Board that the application for a laboratory has been withdrawn.

State Road Development and Aquifer

Mr. Perry explained that the Town is interested in studying ways to develop Rte.6 (between Cross Road and Lincoln Park) and its impact on the Aquifer.

The Board discussed the fact that this study was recently done and that increased development in this location would require relaxing the Aquifer Protection Bylaws. The Board did not see the value in doing the study again.

**Subcommittee Reports**

Soil Conservation Board

Joseph Toomey stated that the Board of Health will be holding a meeting to finalize Comm97 language for their regulations and that he will attend.

**New Business**

Hixville Road Trees

A Board member stated that the Select Board ordered trees on Hixville Road to be cut down even though Hixville Road is a designated scenic road. Because Hixville Road is a designated scenic road, the trees cannot be cut down without a public hearing and permission from the Planning Board. This Board member used this as an example of the Select Board misleading the general public and suggested that the Select Board receive training to understand the Town's bylaws and procedures.

This topic lead to a brief Board discussion on the April 2014 Non-Binding Ballot Question designed to give the Select Board more administrative authority. The Board felt that the question was vague to begin with, and now disingenuously represents the proposed Article language that will be voted on at Town Meeting.

The Board elaborated by stating that the ballot question was represented as



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giving the Select Board the administrative authority to provide coverage for vacations etc., when in fact the Article to amend the Town Charter now includes language that specifically states that the Select Board will have the authority to hire, fire, and discipline Department Heads.

With no further business to discuss Chairman Avila noted the next Planning Board meeting is scheduled for May 5, 2014 in Room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and voted (4-0) to adjourn this evening's regular meeting at 8:30 p.m.

Respectfully submitted,  
Jane Kirby  
Planning Aide

**APPROVED BY:**  
The Dartmouth Planning Board

  
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**MINUTES OF PLANNING BOARD PUBLIC HEARING**

**April 14, 2014**

**"Request for Permission to Remove Trees/Stonewalls on Bakerville Road"**

**Meeting Room #315**

**Town Office Building, 400 Slocum Road, Dartmouth, MA**

**Planning Board Members**

Mr. Joel Avila, Chairman

Mr. Joseph Toomey, Vice Chairman

Mrs. Lorri-Ann Miller, Clerk

Mr. John V. Sousa

**Planning Staff**

Mr. Donald A. Perry, Planning Director

Ms. Jane Kirby, Planning Aide

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The Chairman opened the public hearing<sup>1</sup> at 7:23 p.m. concerning the request to remove one living tree, one dead tree, to trim for visibility two trees, and to remove two 18 foot wide sections of stone wall in front of Lot 12 on Assessor's Map 34 on Bakerville Road.

Present: Daniel King  
Beverly King

Chairman Avila proceeded to explain the Board's public hearing procedure.

This hearing was duly advertised in the Chronicle on Wednesday, March 26, 2014 and Wednesday, April 2, 2014.

Lorri-Ann Miller motioned to waive reading the legal ad, which was duly seconded by John Sousa, and voted (4-0).

The Planning Director read the application information and the following description of activities into the record.

The description of activities along the 449 section of Bakerville Road will be simply to open two section of wall, roughly 18 feet each, to allow for traffic flow for a fruit and vegetable retail stand. Two trees will need to be trimmed for increased visibility and another tree will need to be removed both for visibility at the proposed change and the driveway at 449 Bakerville Road. There is also a very small dead tree that will need to be removed. To offset the removal of existing trees, new trees will be planted inside the wall.

Referencing the drawing, the wall will be opened approximately 16 feet south of the 449 Bakervill Road property line (for another 18 feet). The sections of stone removed will be rebuilt into interior aprons so that all wall stone stays connected to the existing wall while improving safety through definition.

<sup>1</sup> For more information, see minutes of the Planning Board's regular meeting of April 14, 2014



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Chairman Avila requested public comment.

Daniel King addressed the Board, reiterating the information outlined in the description of activities.

A brief discussion ensued regarding the location of the selling area.

No further public comment was received.

Chairman Avila asked for a motion to close the public hearing.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and voted (4-0) to close the public hearing at 7:26 p.m. and resume the regular meeting of the Planning Board for action on this request.

Respectfully submitted,  
Jane Kirby  
Planning Aide