



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**May 5, 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

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

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DARTMOUTH TOWN CLERK

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of April 14, 2014  
Public Hearing of April 14, 2014 "Request for Permission to Remove  
Trees/Stonewalls on Bakerville Road"

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (4-0) to approve the above-referenced Planning Board minutes.

**(2) Invoices**

WB Mason – Office Supplies - \$234.00  
SouthCoast Media Group – Legal Ad for Zoning Articles A-G - \$322.00  
Raposo Engineering Consulting, LLC - \$2,880.00

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (4-0) to approve the above-referenced invoices.

**(3) Correspondence**

Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission  
Legal Notices from Town of Freetown  
Legal Notices from City of Fall River  
Legal Notices from City of New Bedford

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller for discussion, and unanimously voted (4-0) to acknowledge and file the above-referenced correspondence.



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**(4) Endorsement of OSRD Subdivision entitled "Prospect Hill Preserve"**

The Planning Director informed the Board that the revised plans and documentations have been received, with signatures obtained, and recommended endorsement.

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

*The Select Board was not ready for the joint meeting at this time. The Planning Board proceeded to Agenda Item 8.*

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

- **Planner's Report**

- Gateway Zoning

- Mr. Perry informed the Board that a draft by-law has been completed by SRPEDD for Gateway Zoning, and was looking for direction as to where the Board saw this item on the priority list. Discussion ensued, and the Board concluded that the focus should remain on Bliss Corner/Dartmouth Street Mixed Use Zoning at this time.

- Alternate Planning Board Member for Special Permits

- Mr. Perry explained that Gus Raposo will no longer be the Board's alternate for Special Permits, so the position is now vacant. The Board and staff will consider contacting a number of individuals, particularly from past Planning Board members, to seek candidates for this position.

- Middle School Parking Lot

- The Board received a copy of Paul Murphy's enforcement letter. Chairman Avila read an email he received from Ana Riley, Superintendent of Schools, inviting the Board or Planning Staff to attend a School Committee Meeting to discuss the parking lot. The Board requested that Mr. Perry attend the next School Committee meeting to discuss the zoning violations at the Middle School Parking Lot.

*At this time, the Select Board invited the Planning Board to Room #304 for the joint meeting.*

**(5) 7:25 p.m. Joint Meeting with the Select Board**  
**RE: Planning Board Member Vacancy/Appointment**



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Select Board:

Chairman Michael Watson  
Vice-Chairman Lara Stone

John George, Jr.  
Shawn McDonald

Stanley Mickelson

Stanley Mickelson was elected to the Select Board, leaving a Planning Board member vacancy. Two letters of interest were received. Robert Gardner and Kevin Melo were present as interested candidates to fill this position.

Chairman Michael Watson welcomed the Planning Board to the meeting and suggested the Planning Board question the candidates first, followed by the Select Board.

After a lengthy interviewing process, Chairman Watson thanked both candidates and asked for a motion from either Board.

Lorri-Ann Miller motioned to appoint Kevin Melo as the Planning Board member, which was duly seconded by Stanley Mickelson, and unanimously voted by both Boards (9-0).

Chairman Avila thanked the Select Board, and announced that in another matter, there is an Alternate Planning Board member vacancy.

*The Board reconvened in Room #315 and resumed its regular meeting at 7:55 p.m.*

**(6) Initial Review of Off-Street Parking Plan entitled "BayCoast Bank"  
- Dartmouth Street (Big Value Outlet Plaza)**

Present: Robert Feingold, Esq., Representing BayCoast Bank  
Jim Wallace, Bank Executive  
Carl Taber, Vice President – BayCoast Bank  
Alan Heureux, P.E., Boucher & Heureux Engineering  
Richard Poyant, Poyant Signs  
Robert Shaker, President – PACE Project Management, Inc.

Donald Perry, Planning Director, explained that this off-street parking plan is for a bank to be located in the Big Value Outlet Plaza on Dartmouth Street. He noted that the plan is generally well laid out, but had some minor recommended changes. He expressed concern with the one-way out of the bank parking lot to the north and recommended a two-way drive here.

Attorney Feingold stated that the bank supported the one-way drive out of the bank parking lot because it was a safer design.

Alan Heureux reviewed an enlarged aerial photo of the existing site, stating that



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the proposal is to construct a new BayCoast Bank, which would be located in the northwest corner of the plaza. He proceeded to review the off-street parking plan, which would eliminate the two entrances into the plaza and create one central main entrance into the bank area from the plaza rather than from Dartmouth Street. He reviewed traffic flow and pedestrian travel.

Mr. Perry expressed concern with the Board approving a parking plan for only the leased area of a plaza rather than parking lot improvements necessary off-site. He noted that there is potential for a coordination issue with the bypass road if the site is developed independently from the Big Value Outlet plaza.

Discussion ensued on whether or not the proposal was properly before the Board, and whether or not conditions could be imposed outside the jurisdiction of the Certificate of Action.

Attorney Feingold assured the Board that an agreement was in place between the bank and the plaza owner and stated that his client would also agree to a condition that no occupancy permit could be issued until the abutting perimeter road, main entrance, and buffers around the lease area but on the Big Value Outlet property are constructed and approved by the Planning Board.

Chairman Avila requested a consensus from the Board on the one-way drive out of the bank parking lot. The majority of the Board determined that the one-way drive out was acceptable.

The sign plan was discussed, with a revised sign plan submitted at this meeting. One member was opposed to the sign plan.

A Board member suggested adding 4 large arrows and rumble strip to the 49' wide drive where the ATM is to be located. The Board agreed with this suggestion to help drivers clearly see not to enter into this area.

A motion was made by Lorri-Ann Miller to approve the off-street parking plan as amended, which was seconded by John Sousa. Joseph Toomey stated that he was for the changes in the site plan but could not approve the one way out, so he would have to vote no to the motion. The Board voted (3 yes; 1 no) to approve the off-street parking plan as amended.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Layout Plan drawn for BayCoast Bank	-	April 3, 2014
Grading and Utilities Plan	-	April 3, 2014



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Details & Notes Plan	-	April 3, 2014
Landscape Plan prepared for BayCoast Bank	L-1	April 1, 2014
Poyant, BayCoast Bank, Site Plan with Free Standing Signage		December 6, 2014 Revised to April 3, 2014 and April 21, 2014

Conditions of approval are listed below:

1. The sidewalk from the plaza drive should be on the east side of the entry Drive, since this will be the shorter route for pedestrians from the plaza.
2. The Landscape Plan needs the following modifications:
  - a. Shade trees shall be planted along the frontage and in the setback areas to the south and east. Trees along the frontage shall be spaced 30 feet apart on center. Trees to the south and east spaced approximately 50 feet apart but mixed with evergreen trees.
  - b. An evergreen hedge shall be planted between the parking facility and Dartmouth Street. Suggested evergreens are Inkberry or Seagreen Juniper.
3. The following DPW items shall be addressed:
  - a. Please note or detail the existing SMH that is being tied into is to be cored and booted with Kor-n-Seal boot. Also the shelf and invert in the existing sewer manhole is to be rebuilt to fit the new inlet.
  - b. Please add a SMH detail specifying the LT103A frame, L24C7 Sealtite cover marked "SEWER", Ladtech adjustment rings, Cretex internal riser seal, and Cretex exterior joint seal wrap.
  - c. Please include a DMH detail specifying the frame and cover to be used.
  - d. Scale is correct but scale bar is not to scale.
  - e. North arrow is missing.
4. A new fire hydrant shall be installed in the landscaped buffer area at the rear of the building, in accordance with the attached sketch.
5. The drive thru exit and bypass lane where they meet the east/west drive



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shall have a concrete rumble strip at least 3 feet wide along the intersection. In addition, at least 4 large arrows painted on the ground to indicate exit only from the back of the building.

6. Signs 9A1 through 4 inclusive (stop signs, do not enter signs) shall be of standard sign size, shape, and color.
7. The connector drive from the north (Papa Ginos), the access aisle to the east of the lease area and the new plaza entrance from Dartmouth Street shall be shown in more detail on the plan (including defining islands) with a note that they will be constructed and functional prior to any occupancy permit.
8. As offered by the applicant's attorney, a grant of Restrictive Covenant regarding the electronic sign, similar to the State Road branch, shall be recorded prior to the issuance of a building permit. This condition shall be referenced on the plan.

Three sets of revised plans 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 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.

**(7) Initial Review of Off-Street Parking Plan entitled "Tom's Auto Sales and Service" – 401 State Road**

Present: John Keegan, SITEC, Inc.  
Toufic Raad, Owner

Donald Perry, Planning Director, explained that this off-street parking plan is for an addition to the Tom's Auto Repair building located on State Road between Gifford Avenue and Emmett Avenue.

Mr. Keegan gave an overview of the submitted parking plan. Board discussion included drainage, the storage area, and moving the handicapped parking spot location.

John Sousa motioned to approve the off-street parking plan as amended at this meeting, which was seconded by Lorri-Ann Miller, and unanimously voted (4-0) to approve the plan.



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The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Tom's Auto Repair, Site Layout	SL-1	February 5, 2014
Tom's Auto Repair, Site Grading	SG-1	February 5, 2014
Tom's Auto Repair, Landscaping Plan	LP-1	February 5, 2014
Tom's Auto Repair, Existing Conditions	EC-1	February 5, 2014
Tom's Auto Repair, Detail Sheet #1	DET-1	February 5, 2014
Tom's Auto Repair, Detail Sheet #2	DET-2	February 5, 2014

Conditions of approval are listed below:

1. Bollards spaced no further than 5' apart shall be provided along the edges of the parking area that abut the green space south and southeast of the building addition to prevent vehicles from encroaching on this area.
2. The handicapped space shall be moved to the first parking space south of the entrance from Gifford Avenue.
3. The landscape plan shall be modified in accordance with the following:
  - a. An evergreen screen shall be provided between the proposed building and the home to the south. This screen should connect to the existing arborvitae screen to the southwest and extend to Emmett Avenue. Plantings of Green Giant Arborvitae spaced 5 feet apart on center are recommended.
  - b. Three missing street trees along State Road need to be added, one at the corner of State and Gifford Avenue, and one on either side of the State Road sign.
4. General notes #3 seem to be missing the first line of the note.
5. Please add the following notes:
  - a. "Shop drawings shall be submitted for all utility construction materials including sewer, water, and drain."
  - b. "A pre-construction meeting shall be held at the Department of Public Works prior to any utility construction."
6. Prior to any utility construction, engineering inspection fees will need to be paid to the Department of Public Works.



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

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

• **New Business**

Discussion ensued regarding the Board's priority list, which will be voted on at the next regular meeting.

Temporary signs were also discussed. The Select Board will now allow a one year, renewable permit for temporary signs. The Board questioned how this was allowed before the sign bylaw review from SRPEDD was conducted. The Board felt that a one year, renewable license for temporary signs would be difficult to monitor and enforce. Sign pollution in the Town was the main concern.

• **Subcommittee Reports**

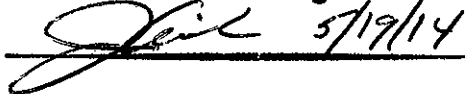
Soil Board

Mr. Toomey stated that the Board of Health completed a Comm97 bylaw.

With no further business to discuss, Chairman Avila noted the next Planning Board meeting is scheduled for May 19, 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 unanimously voted (4-0) to adjourn this evening's regular meeting at 9:50 p.m.

**APPROVED BY:**  
**The Dartmouth Planning Board**

  
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Respectfully submitted,  
Jane Kirby  
Planning Aide