



**MINUTES OF REGULAR PLANNING BOARD MEETING**  
**June 30, 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  
Mr. Kevin A. Melo

**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 the Planning Director present. Planning Aide was absent.

**Administrative Items**

- (1) **Approval of Minutes**  
Regular Meeting of June 16, 2014

A motion was made by Joseph Toomey, duly seconded by Kevin Melo for discussion, and unanimously voted (5-0) to approve the regular Planning Board meeting minutes of

- (2) **Correspondence**  
Legal Notices from Dartmouth Board of Appeals  
Legal Notices from Dartmouth Conservation Commission

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to acknowledge and file the above-referenced correspondence.

- (3) **Invoices**
- |  |          |
|--|----------|
| American Planning Association/AICP Membership<br>(Donald Perry, Planning Director) | \$415.00 |
| Gustavo Raposo, Drainage Consultant<br>(Acadia Behavioral Healthcare Center)       | \$320.00 |

A motion was made by Joseph Toomey, duly seconded by Kevin Melo for discussion, and unanimously voted (5-0) to approve the above-referenced invoice.

- (4) **Release of Surety for Riverside Woods Subdivision**

The Planning Director explained that the applicant is requesting a release of surety,



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noting that the DPW has done a final inspection and listed minor improvements that are still outstanding. Board discussion ensued. Concern in terms of access to the Open Space was raised. The Board wanted to ensure that the transfers to DNRT have been completed, and requested that the Planning Director speak with the developer prior to making its decision to release the surety.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to postpone the release of surety for the Riverside Woods subdivision until the meeting of July 21, 2014.

**(5) Initial Review of Off-Street Parking Plan**  
John Deere Building Addition – 25 Ventura Drive

The Planning Director stated that this off-street parking plan is for a 2,475 s.f. addition to the existing John Deere building on Ventura Drive. It extends a driveway to the addition and does not alter the existing parking spaces. The plan also proposes to close a curb cut on Ventura Drive at the turnaround, which improves safety. The Planning Director recommended approving the off-street parking plan.

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously voted (5-0) to approve the submitted off-street parking plan with conditions.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
John Deere Building Addition	Site Layout Plan (C1.1)	May 19, 2014
John Deere Building Addition	Site Utility & Grading Plan (C2.1)	May 19, 2014
John Deere Building Addition	Site Demolition & Preparation (C3.1)	May 19, 2014
John Deere Building Addition	Site Legend, Notes & Details (C4.1)	May 19, 2014

Conditions of approval are listed below:

1. The following notes shall be added to the general notes:
  - a. All construction shall comply with the Town of Dartmouth Department of Public Works Specifications latest revision.
  - b. Prior to any utility work commencing, shop drawings for all materials being used must be submitted to the Town of Dartmouth Department of Public Works.
2. Five Leyland Cypress shall be planted in the discontinued driveway area to create a screen.



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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.

**(6) Initial Review of Off-Street Parking Plan**  
**Big Value Outlet (Dartmouth Street)**

Present: Daniel Aguiar, SITEC, Inc.

The Planning Director stated that this off-street parking plan is for the Big Value Outlet Plaza on Dartmouth Street. He noted that the Planning Board had reviewed the plan informally prior to this submission.

Mr. Aguiar reviewed the site plan with the Board, noting the interconnections with the BayCoast Bank, ingress and egress to the site, travel aisles, and traffic flow. Primarily the plan will resurface and realign parking spaces, and add a significant amount of landscaping and site improvements. He also reviewed the Planning Director's suggested plan revisions with the Board and was agreeable to the changes.

A motion was made by John Sousa, and duly seconded by Lorri-Ann Miller for discussion.

Joseph Toomey suggested that lighting should be added to the parking plan near the wooded area to prevent potential safety issues. A brief discussion ensued, and the Board was comfortable with the plan, noting that there have not been any issues to date due to lack of lighting.

At this time, the Board voted (4-1) to approve the submitted off-street parking plan. Joseph Toomey voted against approval.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Big Value Outlet Shopping Center	Site Layout (SL-1)	April 24, 2014
Big Value Outlet Shopping Center	Site Grading (SG-1)	April 24, 2014
Big Value Outlet Shopping Center	Landscaping Plan (LP-1)	April 24, 2014
Big Value Outlet Shopping Center	Existing Conditions (EC-1)	April 24, 2014



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Big Value Outlet Shopping Center      Detail Sheet (DET-1)

April 24, 2014

Conditions of approval are listed below:

1. Fire lanes shall be marked with striping, letters on the ground, and signage as directed by the Fire Chief from District #1 and shown on the plan. A letter from the Fire Chief stating that the plans have been revised accordingly will be needed to satisfy this condition.
2. The main access drive needs to be reduced in width to 24 feet, not 30 feet.

Where the main access drive intersects Dartmouth Street, the following widths shall be used:

Entering lane width = 12 feet  
Two exiting lane widths = 10 feet each

3. The sidewalk from the Sol-E-Mar housing at the northwest corner of the building needs a ramp and a crosswalk.
4. The tree islands in the western end of the main parking field should be moved easterly 5 parking spaces.
5. The following DPW items need to be addressed:
  - a. Add on-site drainage infiltration/bio-retention/rain garden during parking lot reconstruction.
  - b. Add invert elevations to existing drainage on east side of building.
  - c. Add note on plan:

Existing drainage shall be inspected by the DPW to make sure hoods are installed and working properly.
6. The landscape plan needs the following modifications:
  - a. The Acer Rubrum needs to be changed to Platanus Acerifolia "Bloodgood".
  - b. The trees need to be mixed more so that species in islands alternate.
    - ie: One island has Elms, one island has Zelkova, etc.



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- c. The tree species need mixing along Dartmouth Street.
- d. An evergreen screen along the south side of the building in the buffer along Sol-E-Mar road needs to be made up of a mix of Thuja Plicata (not Green Giant), White Pine, and Norway Spruce. Also, add a few to the southeast of the building instead of the Red Maple.
- e. With the reduction in the main aisle width and a wider planting strip between the sidewalk and main access aisle, trees can be added on the north side of the main access aisle.
- f. Alternate Bayberry with the Ilex Glabra at the hedge planting along Dartmouth Street.
- g. Add notes that existing vegetation will be preserved around the perimeter of the property and in the large island at the rear of the building. The note will also include removal of this vegetation is only allowed by Planning Board approval and with possible replacement of other screening plants as a condition of removal.

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.

**Appointments**

- (7) 7:30 P.M. Alan Heureux, Chairman – Dartmouth Pathways Committee**  
**RE: Town of Dartmouth Bicycle Parking Guidelines**

Mr. Heureux presented a document prepared by the Dartmouth Pathways Committee entitled "Town of Dartmouth Bicycle Parking Guide". He proceeded to show samples of types of bicycle racks for the Board. He stated that the goal of the committee is to have bicycle parking guidelines and design standards in place for the installation of bike racks in Town. Examples of safe locations, bike rack specifications, and manufacturers were discussed. He stated that there are 21 bike racks (with Dartmouth 350<sup>th</sup> logo) that were ordered by the Dartmouth Pathways Committee that will be installed at the library, community park, Apponogansett Park, DYSA, Round Hill Beach, Jones Park and other locations. The hope of the committee is to encourage businesses to install bike racks, with



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the guidelines and design standards outlined.

The Board would like to consider adding parking facilities for Section 16 reviews that show apartment buildings, convenience stores, banks, Town buildings and recreation facilities. Also buildings over a certain size could require bicycle parking facilities. The Board's hope is to have an Article completed for Fall Town Meeting 2014.

It was suggested that the Planning Board's Subdivision Regulations could also be amended to require bicycle racks as part of the approval process for some projects. Different projects and potential uses where bicycle racks would be appropriate were discussed at length.

Concluding discussion, the Board thanked Mr. Heureux and the Pathways Committee for their work.

*The Board took the next two items out of order.*

**(9) Fall Town Meeting Articles**

The Planning Director reviewed a list of Fall Town Meeting Articles that will be submitted to the Select Board if the Board is in agreement. He noted that Mr. Cressman, Town Administrator, stated that there is some flexibility in the submission deadline and the Planning Board could submit a draft to "hold a spot" for an Article, and forward the final language in time for the Select Board to post the warrant for Fall Town Meeting.

The articles to be considered for Fall Town Meeting are listed as:

1. Bliss Corner Mixed Used District
  - a. Change residentially used lots from General Business to General Residence (language finalized).
  - b. Bliss Corner Mixed Use Bylaw (language not finalized).
2. O.S.R.D. lot size and Aquifer Protection District regulations – *restricts bedroom count for single-family homes* (language not finalized).
3. Delete Marijuana Moratorium bylaw language (language finalized).
4. Earth Fill bylaw (language not finalized).

The articles ready as of this meeting are articles 1(a) and 3.



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Article 2 is simple language and can be finalized prior to the deadline.

Articles 1(b) and 4 are more complicated and have to be developed with Town Counsel.

The Board agreed that draft articles 1(b) and 4 should be submitted to the Select Board to "hold a spot" for Fall Town Meeting.

The Board also determined that language adding the installation of bicycle parking facilities to Section 16 parking plan reviews should be added as an article for Fall Town Meeting, since it is an easy article to develop.

A member suggested that the Planning Board request to meet with the Select Board after the public hearing on the zoning articles to discuss the articles prior to Fall Town Meeting. Discussion ensued. It was noted that the Finance Committee always meets with the Planning Director before making its recommendations on zoning articles for Town Meeting.

The general consensus of the Board was that the Select Board should meet with the Planning Director for an explanation of all zoning articles to be presented at Town Meeting to help eliminate the confusion that can arise as a result of their lack of understanding. If the Select Board has any questions, the Planning Director could answer them.

Mr. Perry requested that the Board vote to forward the articles to the Select Board.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to submit five zoning articles to the Select Board for Fall Town Meeting 2014.

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

Planner's Report

- Stormwater Management Action Plan

Mr. Perry attended a meeting with the DPW and stated that nationally, Towns and Cities have been asked to address stormwater issues. When the Town's stormwater management plan is made available, Mr. Perry will forward it to the Planning Board to discuss if bylaw changes will need to be made or if any Planning Board action is needed regarding this subject.

- OSRD Plan off Cross Road



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Mr. Perry stated that at the sharp bend in Cross Road where the Heritage Assisted Living is located and behind where the power lines cross, a developer is tentatively proposing to construct 4 or 5 houses on 20 +/- acres, with designated open space land to abut Town forest land. If this land is developed as an OSRD, access would be to the north of the Assisted Living Facility along the existing stone wall. The benefit of this plan would be to provide possible public access to hundreds of acres of Town forest land.

- OSRD Plan off Avis Street

Mr. Perry stated that a developer is tentatively proposing to construct 3 houses, with access from Avis Street.

Telecommunication Facilities

The Planning Director informed the Board that the ZBA application for a cell tower on Horseneck Road has been withdrawn, and the proposed cell tower on Gulf Road is receiving a lot of opposition. A quick discussion regarding proposed new Federal Regulations that would allow cell towers almost anywhere in a community and could override bylaws ensued.

Board of Appeals Legal Ad – 122 Potter Street

Discussion ensued regarding this variance case in which the applicant is seeking Board of Appeals relief to divide an existing undersized lot (12,000 s.f. area) into two 6,000 s.f. lots, where 15,000 s.f. is required by zoning.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to have the Planning Board send a letter to the Board of Appeals expressing its opposition to this variance request.

Appointment

**8:00 P.M. Attorney Brian Cruise/Zoning Reviewers**

**RE: DRAFT Bliss Corner Mixed Use Bylaw**

The Planning Director reminded the Board that the draft bylaw was sent out for zoning review not only to Town Counsel, but also to Town Boards and agencies, some business people in the area, attorneys, and engineers. He suggested that Attorney Cruise address the Board at this time.

Attorney Cruise proceeded to explain the proposed bylaw language revisions he submitted to the Board. He reviewed an issue with the Special Permit language as currently written, which is more applicable for Site Plan Review.

Regulating nuisances from a zoning perspective was discussed, with Attorney





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Cruise advising that the Board would have to figure out as-of-right use restrictions ahead of time to prevent a nuisance from ever occurring. He explained that zoning bylaw restrictions for as-of-right uses have to be uniform for all as-of-right uses, and reviewed language in this draft that restricted only specific allowed uses – citing 10B.209 By-Right Bed & Breakfast as an example. He suggested that the Board include its nuisance restrictions in the definition of an allowed use and recommended that if the Planning Board determined that a certain type of business created a nuisance, the Board list that business as a Special Permit use, and nuisance control could be part of the Special Permit approval process. He explained that discretionary uses would otherwise have to be part of Site Plan Review process, which would not allow the Board to deny the use, but would give the Board the right to impose reasonable conditions to prevent nuisances that may occur as a result of a specific use.

The Board determined that Site Plan Review is not appropriate for this proposed zoning district, and preferred the suggested language revisions to narrowly define the allowed uses in the proposed Bliss Corner Mixed Use District.

Attorney Cruise recommended that the Board delineate what standards should be imposed on uses allowed by Special Permit. He explained that a discretionary basis in order for the Special Permit Authority to deny or allow a use has to be part of the Special Permit process because the court system needs to clearly see the reason the Special Permit was granted or denied based on the outlined criteria, or it will rule that the Special Permit Authority acted arbitrarily and capriciously.

Attorney Cruise discussed the current language for parking in this district, noting that the Board cannot have a parking formula for as-of-right uses, and then allow a reduction in parking spaces by Special Permit for an as-of-right use, since it would actually be a variance from the parking formula for as-of-right uses.

Architectural standards and the parking aspects are the main components in this draft that will need to be changed if the Planning Board does not want Site Plan Review.

Discussion ensued regarding noise standards. Attorney Cruise suggested it was more appropriate as a general bylaw rather than trying to regulate noise through zoning, which would be difficult for the Zoning Enforcement Officer to enforce. The Board responded that at least if some noise standards are provided, as in this draft, the Zoning Enforcement Officer could enforce the zoning bylaw. Attorney Cruise stated that it was the Board's prerogative, and it was then agreed the noise section could remain as is.

Attorney Cruise answered all the Board's questions and the Board thanked him



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for his attendance and work on this draft.

The Planning Director reviewed the submitted Board of Health letter with the Planning Board. Discussion ensued regarding the Board of Health's prohibition against new or replacement underground fuel storage tanks for gas stations. The Board requested that the Planning Director speak with the Director of Public Health to see how this will impact locating future gas stations, or if new gas stations will be required to have above-ground fuel storage.

The Planning Director also reviewed the submitted letter from Town Administrator David Cressman. Regarding the proposed zoning map, the issue of the designated Priority Development Area for the Bliss Corner Area was discussed. The Board's proposed draft rezoning map dated 9-23-13 is incorporated in the Priority Development Area, but reduced to more accurately reflect the existing residential neighborhoods in the Bliss Corner Area. The general consensus was that the Board's draft will still be located within the target area for priority development and still be eligible for grants. The Board determined that the draft rezoning map will remain as proposed for the public hearing.

Automotive Repair was discussed. The Planning Director reminded the Board that there are many auto repair businesses in the Bliss Corner District, which is why it remained an allowed use, to avoid creating numerous non-conforming uses. The Planning Director proposed redefining the conditions for auto repair as part of the definition of what an auto repair use is, as advised by Attorney Brian Cruise. The Board determined this use should remain as an allowed use.


Lodging Houses were discussed. The majority of the Board determined that this use could be deleted.

Concluding discussion, Mr. Perry will revise this draft and forward a copy to Attorney Cruise for final review. The public hearing for zoning articles will not be held on July 21, 2014, but will be rescheduled for August 4, 2014.

Chairman Avila noted the next Planning Board meeting is scheduled for July 21, 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 Kevin Melo, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:20 p.m.

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

  
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Respectfully submitted,  
Jane Kirby  
Planning Aide