



PLANNING BOARD REGULAR MEETING MINUTES
July 13, 2015
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. John Hansen, Jr., Planning Director

The Chairman called the meeting to order at 7:10 p.m.

Planning Board member John Sousa was absent.

Planning Board member Joseph Toomey arrived late.

Administrative Items

- (1) **Approval of Minutes**
Regular Meeting of June 22, 2015

A motion was made by Lorri-Ann Miller, duly seconded by Kevin Melo for discussion, and voted (3 yes – 2 absent) to approve the above-referenced minutes.

- (2) **Correspondence**
Legal Notices from Dartmouth Conservation Commission
Legal Notices from City of Fall River
Legal Notices from Freetown

A motion was made by Kevin Melo, duly seconded by Lorri-Ann Miller for discussion, and voted (3 yes – 2 absent) to acknowledge and file the above-referenced correspondence.

Public Hearing

- (3) **7:15 P.M. Amendment to Definitive Subdivision Plan entitled "Rhody Estates" (Off High Street)**

Present: Lee Castignetti, Esq. (Representing Long Built Homes)

Chairman Avila asked for a motion to recess the Board's regular meeting in order to open the public hearing¹. The hearing concerns a Definitive Subdivision Plan entitled "Rhody Estates". The applicant is seeking to amend the previously

¹ For more information, see public hearing minutes for Definitive OSRD Subdivision Plan entitled "Rhody Estates"

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approved 3-lot subdivision plan by changing the street name shown on the plan as Rhody Drive to West High Street. No other plan changes are proposed. The subject property, located off of High Street, is identified on Assessor's Map 113 as Lots 39, 40 and 41, and is owned by Long Built Homes, Inc.

A motion was made by Lorri-Ann Miller, duly seconded by Kevin Melo, and voted (4 yes – 1 absent) to recess the public hearing in order to open the public hearing for "Rhody Estates".

The regular meeting resumed at 7:20 p.m.

Administrative Items

(4) Action on Amendment to Definitive Subdivision Plan entitled "Rhody Estates"

The Planning Director recommended approval as submitted.

A motion was made by Lorri-Ann Miller, duly seconded by Kevin Melo, and voted (3 yes – 2 absent) to approve the amendment as submitted.

The approved Amended Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Subdivision Plan of Rhody Estates Plat 113, Lots 39, 40 & 41	1 of 1	December 9, 2005 Revised March 1, 2006 (per Cert. of Approval) Revised May 29, 2015 (road name change)

The conditions of approval are listed below:

1. The conditions of the originally approved Certificate of Action dated January 31, 2006 for a Definitive Subdivision Plan entitled "Subdivision Plan of Plat 113, lots 39, 40 and 41" are adhered to.

All site improvements shall be in accordance with plans approved by the Planning Board.

Except as provided below, the amended Definitive Plan shall conform in all respects with the applicable Subdivision Regulations of the Planning Board and current D.P.W. Construction Specifications.



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

All conditions of approval shall be met within two (2) years from the date of filing of the Planning Board decision in the Office of the Town Clerk. A reasonable extension of said time shall be granted by the Planning Board in the case of an appeal to the Superior Court under Massachusetts General Laws (M.G.L.), Chapter 40A, Section 17 or if good cause is shown to the Planning Board for an extension.

Appeals, if any, shall be made pursuant to M.G.L., Section 17, Chapter 40A, and shall be filed within twenty (20) days after date of filing of such notice in the Office of the Town Clerk.

The amendment does not become effective until the Town Clerk certifies that no appeal of the decision has been filed in Superior Court within the 20-day statutory appeal period; or that if an appeal has been filed, it has been dismissed or denied and a certified copy of the decision is recorded in the Bristol County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

The applicant or petitioner is responsible for filing the certified decision in the Registry of Deeds and for paying the recording fees.

A copy of the recorded decision certified by the Registry of Deeds is necessary before a Building Permit, dependent on the Planning Board's decision, can be issued by the Director of Inspectional Services. Copies of the approved plans and this decision are on file in the Town Clerk and Planning Board offices. Copies of the complete minutes of the public hearing are available upon request at the office of the Planning Board.

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

Planning Board member Joseph Toomey was present for the remaining agenda items.

(5) Surety Release Request – Antonio Way Extension

The Planning Director explained that correspondence was received from the DPW confirming that the subdivision improvements have been completed satisfactorily. The Planning Director recommended the Board grant the release of surety (\$1,000).

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and voted (4 yes – 1 absent) to allow the release of surety.



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(6) Lot Release Request – Gendreau Estates (Off Old Fall River Road)

The Planning Director stated that the request is to release 15 lots from the original Performance Covenant. He further explained that a cost estimate from the DPW has not been received to date, so the applicant cannot post surety.

A motion was made by Joseph Toomey to post-pone action on this request until a cost estimate is received from the DPW, which was seconded by Lorri-Ann Miller, and voted (4 yes – 1 absent).

(7) Off Street Parking Plan Review
Proposed New Retail Building – Corner of State Road/Maine Avenue

Present: Steven Gioiosa, P.E., Sitec, Inc.

Mr. Gioiosa had presented a preliminary parking plan to the Board in January 2015. The proposal is for a 6,000 s.f. mixed-use building. The applicant is considering a small restaurant use on the property.

After the January meeting, his client decided to move ahead with permitting from the other Town Boards to ensure that the project was on the right track. Since the site is located in the Aquifer Protection District, a Special Permit was required and received from the Zoning Board of Appeals. A Notice of Intent was filed with Conservation since the parcel is located near the buffer zone. Conservation used the Town's drainage consultant as part of its review process. A meeting is scheduled with Conservation for July 14th. Approval was received from the drainage consultant.

Mr. Gioiosa explained that comments were received from the DPW and the Planning Board back in January. The Planning Board had expressed concern with the amount of seats in the restaurant, the amount of parking available, and inadequate parking for employees. His client has since reduced the proposed number of seats for the restaurant and used those spaces towards employee parking spaces. The proposal will now limit the restaurant to 36 seats and 5 employees. The balance of 34 parking stalls will be set aside for a commercial use. He stated that the parking provided complies with zoning regulations.

Mr. Gioiosa proceeded to review the proposed parking plan:

- Providing sidewalks from the building to Maine Avenue and toward Rte. 6
- Reconstructing sidewalks along the frontage of two existing streets
- Grass landscape strip adjacent to travel way
- Additional landscaping
- Bollards and landscaping added along edge of driveway to prevent ease



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- of access to the rear of the property
- On-site drainage systems (reviewed by drainage consultant)
- Oil and grease separators

Mr. Gioiosa stated that a neighbor brought up an issue at the ZBA public hearing regarding access to the site from Maine Avenue and the ZBA asked for the Town's Safety Officer's opinion. The Safety Officer responded that the proposed access shown on this plan was the safest configuration for this site. A Special Permit was required since the subject property is located in the Aquifer Protection District.

A Board member questioned the square footage of the restaurant use. Mr. Gioiosa responded that the restaurant use is 2,000 s.f. and the retail use is 3,400 s.f. (balance set aside for mechanical room).

Members of the general public expressed concern with delivery trucks, the 23' wide street, and the location of the telephone pole near the entrance. One man submitted photos.

Discussion regarding an existing telephone pole ensued. Safety concerns regarding the turn onto Maine Avenue with the telephone pole's location was expressed. The Board noted that only the power company could move the telephone pole, and the Board cannot mandate the pole be moved or that the applicant pay for it.

After more discussion, the Planning Director recommended approval of the parking plan with the conditions outlined in the draft Certificate of Action. Chairman Avila suggested an amendment to include language stating that the applicant will approach the owner of the utility pole to determine whether the telephone pole could be moved.

Lorri-Ann Miller motioned to approve the parking plan with conditions, including Chairman Avila's suggested amendment. The motion was seconded by Joseph Toomey, and voted (4 yes – 1 absent).

The Plans referred to in this action are listed below:

**ASSESSORS MAP 164 – LOT 21
STATE ROAD
DARTMOUTH, MASSACHUSETTS**

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Parking Plan & Site Layout	1 of 5	12/1/14 rev. 1/12/15



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Grading & Utilities	2 of 5	12/1/14 rev. 1/12/15
Landscape Plan	3 of 5	12/1/14 rev. 1/12/15
Existing Conditions	4 of 5	12/1/14 rev. 1/12/15
Detail Sheet	5 of 5	12/1/14 rev. 1/12/15

Conditions of approval are listed below:

1. Place the following notes in the general notes:
 - a. "All construction shall comply with the Town of Dartmouth Department of Public Works Construction Specifications latest revision".
 - b. "Shop Drawings shall be submitted for all utility construction materials including sewer, water, and drain".
 - c. "A pre-construction meeting shall be held at the Department of Public Works prior to any utility construction".
 - d. Prior to any utility construction, Engineering Inspection fees will need to be paid to the Department of Public Works.
 - e. A Right of Way permit will need to be obtained from the DPW prior to any work being done on the entrance curb cuts and sidewalk.
 - f. When crossing water with sewer, unless sewer is 18" below water, the water must be sleeved 10' each side of crossing.
2. Water and Sewer services must have a 10' separation, using a scale it measures 2'.
3. Within the apron of the driveway 12" of processed gravel, 2" Binder and 1.5" of Top is required.
4. The cleanout at property line must be inline not offset and must be placed at property line.
5. The cleanout cover shall be Town of Dartmouth spec. The detail shows a 6" threaded cap with a metal cover.
6. Provide a cross section of the sidewalk.
7. Endline Drainage runs and FES shall be RCP.
8. Sewer lateral to property line is 6" SDR 35. Continue with 6" SDR35 to the building. Increasing the size of the pipe to 8" is not allowed.



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9. Label size and type of water service that is proposed.
10. Use Town of Dartmouth spec. catch basin grates.
11. Provide flow calculations used to size Grease Trap.
12. Provide Grease Trap detail showing Town of Dartmouth spec. adjustment rings, riser wraps, frames, covers, and interior seal.
13. Label elevations of sewer/water crossing and drain/water/sewer crossing.
14. Applicant is to approach owner of the utility pole on the east side of State Avenue and Maine Avenue to seek that it be moved further to the east to allow for easier turning movements onto Maine Avenue from State Avenue westbound.

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.

(8) Off-Street Parking Plan Review
Eye Man Limited Partnership (Leonard Avenue)
Nauset Building, LLC (Dartmouth Place)

Present: Richard Rheume, P.E., Prime Engineering.
Eugene Benbenek, 5 Leonard Avenue

Mr. Rheume reviewed the two parking plans shown at this meeting.

The first parking plan will only need the Planning Board's approval (Nauset Building, LLC – Dartmouth Place).

The other parking plan will still need to go before the Zoning Board of Appeals and Conservation for a variance request (Eye Man Limited Partnership – Leonard Avenue).

Nauset Building LLC (Dartmouth Place) – Parking Plan

Mr. Rheume explained that currently there are 8 angled parking spaces due to the



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shape of the lot. In the recent past, an ANR plan straightened out the property line and will allow the addition of 8 parking spaces near the Nauset Building in Dartmouth Place as shown on the plan. The spaces will meet all dimensional requirements.

Discussion regarding the emergency exit and gate ensued. It was noted that people have been parking in this location and ways to alleviate this problem were suggested. The Board suggested a condition to require a "no parking/tow zone" sign on the gate, with the gate being made of a durable material rather than a chain. The plan shows the gate moving west to the property line. The Board also suggested a condition to replace the arborvitae that will be removed as part of this parking plan approval. A final condition would be to paint "tow zone" on the ground.

The Planning Director suggested a condition to require parking and landscaping calculations to be shown on the plan.

The applicant agreed with the suggested conditions.

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and voted (4 yes – 1 absent) to approve the off-street parking plan for Nauset Building LLC with conditions.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Proposed Parking Plan Additional Parking – Nauset Building LLC	1 of 1	6/30/15

The conditions of approval are listed below:

1. Parking and landscaping calculations shall be shown, as per Section 16 of the Zoning Bylaws. Specifically, conformance with the 10% landscaped open space requirement of all parking facilities and 1 tree per 2000 square feet of gross paved area shall be shown.
2. A durable gate, not a chain, shall be placed across the entrance to the parking lot off of Leonard Avenue.
3. A no parking sign and a tow away sign shall be placed near the gate shown on the plan. The tow zone shall also be painted on the ground.
4. The arborvitae between the Nauset property and the Eye Man property shall be replaced.



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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 a final 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.

Eye Man Limited Partnership (Leonard Avenue)

Mr. Rheume explained that the proposal would eliminate an existing grass strip and add 20 parking spaces with a 0 foot setback, which is why a variance from the Zoning Board of Appeals is required. He noted that the public hearing with the ZBA is scheduled for Tuesday, July 21, 2015. Any Planning Board action would be subject to approval of the variance request with the ZBA.

The Planning Director asked in his recommendation letter to the Zoning Board of Appeals that if the variance is granted, their approval be subject to Planning Board approval of the parking plan.

The Chairman felt that if the parking plan is approved subject to ZBA approval that it would imply that the Planning Board is endorsing a parking plan with a 0 foot setback and expressed discomfort with the idea.

Mr. Rheume stated that eventually his client will go before Town Meeting and ask for a portion of Leonard Avenue to be discontinued as a public way. As a result, the property will be zoned to the center line and will meet the required setbacks.

Chairman Avila questioned why the applicant would need to go before Town Meeting if the variance is granted. Mr. Rheume responded that if it's discontinued, a 10 foot setback from the property line would be the end result.

Chairman Avila suggested that no action be taken until after the applicant meets with the Zoning Board of Appeals and a decision regarding the variance request is rendered. The Board agreed with this suggestion.

The Planning Director requested that the Board review his draft recommendation letter to the ZBA regarding the variance request. The Board made some amendments to the draft letter.

This agenda item will be on the next Planning Board agenda if ZBA and Conservation approvals are received in time.

(9) Approval Not Required Plan – 115 Elm Street

David and Sandra Hall



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115 Elm St
July 6, 2015

The Planning Director explained that this ANR plan creates 1 new lot with over 100' of frontage, which is the minimum required in a GR zone. He recommended endorsement.

A motion was made by Kevin Melo, seconded by Lorri-Ann Miller, and voted (4 yes – 1 absent) to approve the above-referenced ANR plan.

(10) For Your Information/New Business

Planner's Report

- **New Fire Codes**

Chief Arruda (District #3) reviewed the new State fire codes with the Planning Director. The Planning Director stated that the fire codes require a 20 foot access to properties, but the current regulations regarding private roads (Subdivision Regulations) or common driveways (Zoning Regulations) allow for less than 20 feet. He suggested that the regulations should be updated, or future Planning Board approvals should not allow less than 20 foot access width. Discussion ensued regarding potential exceptions or potential grandfathered rights. The Board requested a copy of the latest fire codes for reference.

Lorri-Ann Miller motioned for the Board to seek Town Counsel's opinion regarding this matter, which was seconded by Kevin Melo, and voted (4 yes – 1 absent).

- **Planning Board contact information**

The Planning Director was seeking the Board's policy regarding giving out Board member phone numbers. Board members did not want people calling them while they were at work, but indicated that calling the home numbers would be ok.

New Business

- **Development Summit**

Chairman Avila met with the Town Administrator and the Finance Committee. Lorri-Ann Miller was also present. It was suggested that a "Development Summit" be held. The purpose of the Development Summit will be to encourage development in a controlled manner so that



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the Town will be prepared to meet a projected shrinking growth rate. Positive initiatives are being sought in order to avoid future budget cuts.

A joint meeting will be scheduled for August 17th with the Planning Board, Finance Committee, and the Select Board.

- Open Space Plan

The Town's Open Space Plan was discussed briefly. Chairman Avila noted that a Board member and Planning Staff should be involved in the process of updating the Open Space Plan, which is currently being looked at.

- New Bedford Casino Impact Study

Neighboring Towns are expressing interest in compensation for casino impacts. Money could be available for increased traffic, class sizes, and use of public services. The Board directed the Planning Director to request his involvement with the study. Mr. Hansen will forward a letter to the Select Board.

(11) Long Range Planning – Site Plan Review Bylaw

The Planning Director forwarded the highlighted changes to the proposed Site Plan Review bylaw, as discussed at the March 23, 2015 meeting. The major changes included:

- Outdoor seating requirements, which increases based on size of the use
- Parking maximum for large retail uses (see attached parking demand analysis from SRPEDD from the draft Route 6 Retail Study)
- Traffic Impact Statement triggers (LOS and volume increases)
- Landscaping species diversity
- Minimum and Maximum lighting standards
- Bus shelters/tax-stands regulations

The Planning Director also forwarded the non-design standards section of the current Parking Plan regulations. The changes proposed in the section have to do with the triggers for requiring site plans and that conformance to sign regulations would be required.

The highlighted changes were reviewed in detail up to page 6 . The Planning Director will amend the draft to include the Board's comments and suggested



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language changes.

With no further business to discuss, Chairman Avila called for a motion to adjourn.

A motion was made and duly seconded by and unanimously voted to adjourn this evening's regular meeting at 10:07 p.m.

The next Planning Board meeting is scheduled for July 27, 2015, in Room #315, Town Office Building, 400 Slocum Road.

APPROVED BY:
The Dartmouth Planning Board



Respectfully submitted,
Jane Kirby
Planning Aide



MINUTES OF PLANNING BOARD PUBLIC HEARING

July 13, 2015

**Amended Definitive Subdivision Plan
entitled "Rhody Estates"**

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. Kevin Melo

Planning Staff

Mr. John P. Hansen, Jr., Planning Director

Absent: Planning Board member John Sousa

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The Chairman opened the public hearing¹ at 7:15 p.m. concerning an amended Definitive Subdivision Plan entitled "Rhody Estates". The applicant is seeking to amend the previously approved 3-lot subdivision plan by changing the street name shown on the plan as Rhody Drive to West High Street. No other plan changes are proposed. The subject property, located off of High Street, is identified on Assessor's Map 113 as Lots 39, 40 and 41, and is owned by Long Built Homes, Inc.

Also Present: Lee Castignetti, Esq. – Representing Long Built Homes

Chairman Avila reviewed the purpose and procedure of the public hearing for those present.

Lorri-Ann Miller motioned to waive the reading of the legal notice, which was seconded by Joseph Toomey, and voted (4 yes – 1 absent).

Lee Castignetti explained that 2 of the 3 lots were purchased by Long Built Homes (Lots 19 & 20). Timothy and Jane Howes own the remaining lot and approached Long Built Homes to consider changing the street name to West High Street, and they are happy to accommodate them. The DPW and 911 coordinator were contacted, with no stated opposition to the proposed name change.

Chairman Avila asked if anyone in the audience had any comments or questions. None were received.

Chairman Avila asked if the Board members had any questions or final comments. None were received.

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

¹ For more information, see minutes of the Planning Board's regular meeting of July 13, 2015



MINUTES OF PLANNING BOARD PUBLIC HEARING
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Amended Definitive Subdivision Plan
entitled "Rhody Estates"
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A motion was made by Joseph Toomey, which was seconded by Kevin Melo.

The Planning Board voted (4 yes – 1 absent) to close the public hearing at 7:20 p.m. and resume the regular meeting of the Planning Board.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board



