



**PLANNING BOARD PUBLIC HEARING MINUTES**  
**July 27, 2015**  
**Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

**Planning Board**

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 Vice Chairman called the meeting to order at 7:00 p.m.  
 Chairman Joel Avila was absent.

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 DARTMOUTH TOWN CLERK

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of July 13, 2015

Public Hearing of July 13, 2015 for an Amendment to Definitive Subdivision Plan entitled "Rhody Estates"

A motion was made by Lorri-Ann Miller, duly seconded by for discussion by Kevin Melo, and voted (3 yes; 1 abstain; 1 absent) to approve the above-referenced minutes. John Sousa was not present on July 13, 2015 and abstained from voting.

**(2) Invoices**

Mileage/Food Reimbursement – John P. Hansen, Jr. \$284.40  
 (APA Northeast Planning Conference)

A motion was made by John Sousa, duly seconded by Kevin Melo for discussion, and voted (4 yes – 1 absent) to approve the above-referenced invoices for payment.

**(3) Correspondence**

Legal Notices from Dartmouth Conservation Commission

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

**Appointment**

**(4) Off-Street Parking Plan Review**

Eye Man Limited Partnership (Leonard Avenue)

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



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The Planning Director reminded the Board that this parking plan review was continued on July 13<sup>th</sup> to allow the applicant time to go before the Zoning Board of Appeals, and informed the Board that the variance was granted.

Mr. Rheume reviewed the off-street parking plan for 20 additional parking spaces along Leonard Avenue. He noted that at the last meeting, the Board discussed requiring a fence between the parking spaces and the sidewalk to prevent cars from overhanging and shortening the sidewalk width. Mr. Rheume suggested that bollards would be better since it would allow access to the sidewalk from the parking lot. Mr. Rheume also pointed out that there is a 3 foot separation between the proposed parking spaces and the sidewalk, and curbing would be provided. He stated that the car could stop at the curb and overhang 2 feet, but there would still be a one foot space before reaching the sidewalk. The Board felt that curbing would be adequate.

A Board member suggested that the applicant consider providing access through the two parking lots (Eye Health Vision and Dartmouth Place) by opening up the gated area in the future. Mr. Rheume explained that at this time, the gated area is restricted by an old ZBA variance with access for emergency vehicles only. Sidewalk inter-connections were also suggested. Mr. Rheume thought that his client might consider an interconnection in the future, which would involve both ZBA and parking plan review.

A motion was made by John Sousa to approve the parking plan, which was seconded by Kevin Melo for discussion.

Mr. Benbenek spoke at this time with complaints about truck noise early in the morning and on weekends, and complained about the port-a-potty stench. He asked the Board to restrict the times for truck activity and require the port-a-potty to be moved further south. The Board stated that these issues cannot be conditions of approval, but strongly advised that Mr. Rheume communicate these complaints to his client in an effort to be a good neighbor.

The Planning Director reviewed the draft Certificate of Action with conditions of approval with the Board.

Vice Chairman Toomey asked for a vote on the motion to approve this parking plan with stated conditions.

The Board voted (4 yes – 1 absent) to approve in accordance with the draft Certificate of Action.



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**The Plans referred to in this action are listed below:**

| <u>Title</u>                                     | <u>Sheet</u> | <u>Date</u>                 |
|--------------------------------------------------|--------------|-----------------------------|
| Proposed Parking Plan                            | 1 of 1       | 7/1/15                      |
| Additional Parking – Eye Man Limited Partnership |              | <i>revised thru 7/24/15</i> |

The condition of approval is 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.

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.

**(5) Chapter 91 – Waterways License Application**  
**Star of the Sea Drive (Apponagansett Bay)**

The Planning Director explained that this request has to do with a restoration of a tidal channel. He noted that the Conservation Commission will be holding a public hearing on this request, and recommended the Board forward a letter to the DEP stating that the Board determined that the proposal will not be detrimental to the public rights in tidelands and serves a proper public purpose.

A motion was made by John Sousa, duly seconded by Kevin Melo for discussion, and voted (4 yes – 1 absent) to forward a letter to the Department of Environmental Protection.

**(6) Tax Abatement for Open Space Lots**  
**Definitive Open Space Residential Design Subdivision entitled “Riverside Woods”**

The Planning Director explained that the Open Space for Riverside Woods was donated to DNRT during FY2015 as per the approved subdivision plan. Outstanding taxes for parcels 5-2 & 5-13 on map 50 should therefore be abated per the Treasurer. The Assessor would like a memo from the Planning Board requesting this abatement since this open space was part of a subdivision. He recommended that the Planning Board request that the Board of Assessors abate property taxes for the above-referenced parcels.



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A motion was made by John Sousa, duly seconded by Lorri-Ann Miller for discussion, and voted (4 yes – 1 absent) to forward a letter to the Board of Assessors.

**(7) Surety Expiration – Clarendon Estates**

The Planning Director informed the Board that the completion of work on Clarendon Estates is to be completed by 7/31/15 and the applicant has not completed the work to date. Currently lot 1 is being held as surety; however the Board recommended the issuance of a temporary Certificate of Occupancy on this lot, which expired in early July. The letter of credit for the remaining work has expired.

Discussion ensued.

The Board recognized that trusting the developer to complete the subdivision work allowed for the release of lots that should have remained held as surety, and expressed disappointment with this developer.

The Board will use this as a learning experience moving forward, and asked the Planning Director to communicate with the developer, the Zoning Enforcement Officer, the home owners, and the home owners' attorney in an effort to get this project completed.

A motion was made by John Sousa, duly seconded by Kevin Melo, and voted (4 yes – 1 absent) to communicate with the above-listed group.

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

- Planner's Report
  - A "Development Summit" is scheduled on August 17<sup>th</sup> with the Select Board, Finance Committee, and the Planning Board.
  - The Supreme Court ruling regarding sign codes will impact all municipalities, and bylaw changes may be required. The Planning Director will attend the webinar regarding this topic.

**(9) Long Range Planning – Site Plan Review Bylaw**

The Planning Director and Board reviewed the previous changes made to the draft site plan review bylaw. The remaining pages to the draft were reviewed with more language changes suggested. The Planning Director will incorporate the suggested language into the next draft to review at the next meeting.



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With no further business to discuss, Vice-Chairman Toomey called for a motion to adjourn.

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

The next Planning Board meeting is scheduled for August 10, 2015, in Room #315, Town Office Building, 400 Slocum Road.

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

Respectfully submitted,  
Jane Kirby  
Planning Aide