



**MINUTES OF REGULAR PLANNING BOARD MEETING OF  
August 10, 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

**Planning Staff**

Mr. John Hansen, Jr., Planning Director

Planning Board member Kevin Melo was absent.  
The Chairman called the meeting to order at 7:00 p.m.

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DARTMOUTH TOWN CLERK

**Administrative Items**

- (1) **Approval of Minutes**  
Regular Meeting of July 27, 2015

A motion was made by Joseph Toomey, duly seconded by Lorri-Ann Miller for discussion, and voted (4 yes; 1 absent; 1 abstain) to approve the above-referenced minutes. Chairman Avila was not present on July 27<sup>th</sup> and abstained from voting.

- (2) **Invoices**  
Wolters Kluwer Law – Handbook of MA Land Use & Planning Law - \$212.94  
WB Mason – Office Supplies - \$171.52

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey for discussion, and voted (4 yes; 1 absent) to approve the above-referenced invoices for payment.

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

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

- (4) **Endorsement of Approval Not Required (ANR) Plan**  
68 Merrimac Street                      Richard A. Sylvia                      7/23/15

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



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A motion was made by John Sousa, duly seconded by Joseph Toomey for discussion, and voted (3 yes; 1 absent; 1 abstain) to approve the ANR plan for 68 Merrimac Street dated 7/23/15. Lorri-Ann Miller abstained from voting.

**(5) Lot Release Request**

Definitive Subdivision Plan entitled "Sheldon Woods" off Old Fall River Rd.

The Planning Director reminded the Board that this subdivision was approved years ago, but recently amended to change the street name to Viveiros Way. The new owners are seeking to have the lot released from the Performance Covenant so they can build on it. A letter of credit has been submitted to cover the DPW's cost estimate for completion. The Planning Director recommended the lot be released.

A motion was made by John Sousa, duly seconded by Joseph Toomey for discussion, and voted (4 yes; 1 absent) to approve the above-referenced lot release request.

**Appointment**

**(6) Steven Gioiosa, P.E., SITEC, Inc.**

Preliminary Discussion of an Off-Street Parking Plan for  
433 Faunce Corner Road (New Construction)

Also Present:            Applicants Rich and Alex Carrig  
                                 Attorney Ralph "Chip" Mulford (representing the applicants)

Mr. Gioiosa reminded the Board that a preliminary review took place about a month ago regarding this proposal. He stated that the zoning for the site is Office Industrial, and the applicant would like to construct a convenience store/gas station on the property.

Mr. Gioiosa reviewed the changes made to the proposed project since the last meeting:

- Building size reduced
- Increased green space

Mr. Gioiosa proceeded to review the style of architecture proposed for the site, noting that there is currently a broad mix of architectural styles in the zoning district. Mr. Gioiosa also reviewed gas pump canopy renderings. Mr. Gioiosa stated that he is still seeking preliminary input from the Board.

The site plan and renderings were discussed in detail. The Board was pleased with the proposed architectural design of the building, and preferred the canopy that showed a peaked roof rather than the flat roof design.



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The Board requested that a note be placed on the plan stating that the sidewalks shall not be obstructed, stating that any outdoor display areas must be designated and shown on the plans.

Attorney Mulford addressed the Board at this time and submitted petitions in support for this project signed by administrators and employees of Personal Touch Home Care Complex, SITEC, Inc., Just Another Phoenix Restaurant, and Simmons Concrete Construction, LLC. He stated that he also spoke with the owner of Kiddie Campus, the Law School, the prison, and the employees at Health Track, and he received verbal support. He summarized by stating that all immediate abutters are in favor, and that the project is desirable, useful and convenient for workers in the district.

Attorney Mulford asked the Board what another analysis would need to be done to satisfy the conditions of the bylaw.

A Board member felt that the bylaw as written addressing only "workers" might be flawed. This member felt that the proposed use meets the intent and spirit of the zoning bylaw. Other Board members expressed support for the project. No negative comments were received.

Mr. Gioiosa believed that a large number of the workers in the area would utilize the convenience store/gas station, and stated that he could provide an employee count of surrounding businesses for the Board if necessary.

A final plan will be submitted in the future for Board approval.

**(7) Surety Establishment/Endorsement of Definitive (OSRD) Subdivision Plan entitled "Collins Corner Estates"**

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

The Planning Director stated that this subdivision was recently approved, and now the applicant is seeking to have the plan endorsed. He recommended that surety be required prior to endorsement.

Mr. Gioiosa explained that there are no public utilities associated with this project, and a common driveway will provide access to the two house lots; one lot will have frontage on Collins Corner Road and the other lot will be located further in the back. He stated that in the past, the Board did not require a Performance Covenant for common driveway projects but he would defer to the Board regarding this requirement.

Board discussion ensued. The Board agreed with the Planning Director's



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recommendation that a Performance Covenant should be submitted.

The Planning Director also stated that the Open Space Covenant has been submitted and is ready to be signed, and recommended plan endorsement.

A motion was made by Joseph Toomey to sign the covenants and endorse the subdivision plan entitled "Collins Corner Estates". This motion was seconded by John Sousa, and voted (4 yes; 1 absent).

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

• **Planner's Report**

Clarendon Estates

The Planning Director has been reaching out to the developer of Clarendon Estates. The developer is still indicating that he intends to complete the project, although no work has been done to support this intention. The Planning Director has received numerous complaints from residents on Clarendon Street and felt that even though a certified drain layer is needed to raise the fire hydrants, the other remaining items could still be addressed by the developer.

Planning Board Meeting Schedule

The Planning Director pointed out that the Board originally scheduled three meetings in August in order to hold a public hearing for zoning bylaws. He noted that there are no zoning bylaw amendments proposed for Town Meeting. The Board determined that the scheduled meeting of August 24, 2015 could be canceled.

• **New Business**

Parking Lot Expansion – Slocum Road

Chairman Avila raised concern regarding the parking lot expansion on Slocum Road for John George Farm's ice cream business, and felt that the Zoning Enforcement Officer should determine whether a Parking Plan should be required.

A letter will be sent to Paul Murphy, Zoning Enforcement Officer, requesting a written response as to why a parking plan was not required when the ice cream stand was constructed, and whether or not a parking plan should be required with the recent expansion. The Board did not agree with a determination that the ice cream stand was allowed under an agricultural use exemption.

A motion was made by Joseph Toomey to send the letter to Paul Murphy, duly seconded by John Sousa, and voted (4 yes; 1 absent).



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

The Board's previous comments were incorporated into this draft.

One member felt that the regulations should not apply for all zoning districts and preferred incorporating regulations by district rather than through a Site Plan Review Bylaw. Discussion ensued.

It was pointed out that the current bylaw, Section 16, applies to all districts. Certain standards of Section 16 are relaxed in some zoning districts, such as the Village Business District and the Bliss Corner Mixed Use District.


The Board determined that a Site Plan Review Bylaw would be an improvement to the current Section 16 bylaw, since it could allow for some flexibility in standards for all zoning districts.

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 8:52 p.m.

The next Planning Board meeting is scheduled for August 17, 2015 in Room #315, Town Office Building, 400 Slocum Road.

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

  
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Respectfully submitted,  
Jane Kirby  
Planning Aide