

**MINUTES OF REGULAR PLANNING BOARD MEETING OF APRIL 8, 2013**  
**Planning Board's Meeting Room #315, Town Office Building**  
**400 Slocum Road, Dartmouth, MA**

**Planning Board**

Mr. Joel Avila, Chairman  
Mr. Joseph E. Toomey, Jr., Vice Chairman  
Mrs. Lorri-Ann Miller, Clerk  
Mr. John V. Sousa  
Mr. Stanley M. Mickelson

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**Planning Staff**

Mr. Donald A. Perry, Planning Director  
Mrs. Joyce J. Couture, Planning Aide

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

**Administrative Items**

**(1) Approval of Minutes**

Regular Meeting of March 25, 2013  
Cont. Public Hearing of March 25, 2013 "Amend Sherman Street Definitive Plan"  
Public Hearing of March 25, 2013 "Town Meeting Zoning Articles"

A motion was made by Mr. Toomey, duly seconded by Mrs. Miller for discussion, and unanimously voted (5-0) to approve the above referenced minutes as written.

**(2) Correspondence**

Legal Notices from City of Fall River  
Legal Notices from Dartmouth Conservation Commission

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

**(3) Election of Planning Board Officers and other Appointments**

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to maintain the current slate of officers:

Joel Avila	Chairman
Joseph E. Toomey, Jr.	Vice Chairman
Lorri-Ann Miller	Clerk

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A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted (5-0) to maintain the current Planning Board representatives on each of the following committees:

SRPEDD Commission	Lorri-Ann Miller
Soil Board	Joseph E. Toomey, Jr.
Community Preservation Committee	John V. Sousa
Agricultural Preservation Trust	Lorri-Ann Miller
Alternative Energy Committee	Joseph E. Toomey, Jr.
Smart Growth Committee (40R)	Stanley Mickelson

Lastly, a motion was made by Mr. Sousa, duly seconded by Mr. Toomey, and unanimously voted (5-0) to reappoint Gus Rapozo as the Planning Board's alternate member for Special Permits.

### (4) Planner's Report

- Vision Development/Student Housing

The Planning Director stated that another session was held at the reviewer's meeting with Vision Development. He said the developers basically presented the same plan with no changes to the density or circulation as suggested by the Planning Board and the Planning Director. Mr. Perry said it was disappointing that no attempt was made to address design concerns.

- Bliss Corner/Dartmouth Street Public Information Session

The Planning Director stated that there is a possibility the public information session currently scheduled for Tuesday, May 14<sup>th</sup> in the Select Board's meeting room can be held on Monday, May 13<sup>th</sup>. He said the Select Board will be voting on their meeting schedule this evening. Board members preferred the Monday meeting date and were agreeable to changing the date if it is available.

### Appointments & Public Hearings

- (5) **7:10 P.M – APPOINTMENT - Deborah Melino-Wender: Discussion of Affordable Housing Production Plan and Priority Development and Priority Protection Areas Map**

Present: Deborah Melino-Wender, Director of Development

The Planning Director mentioned that as a result of the Board's previous discussion with Ms. Wender, the strategies section of the Affordable Housing Production Plan that pertained to the Planning Board has been revised. Mr. Perry noted that overall, the revisions appear to have incorporated the Planning Board's prior directives except for two strategies.

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Lengthy discussion ensued with Ms. Wender explaining the changes she made.

As a result of this discussion, it was suggested that Ms. Wender make changes to the following sections:

### Permit Apartments above Retail in Business Districts with a Mixed Use Overlay District

- Insert as first sentence: "Dartmouth's current business zoning only allows one business apartment per lot. There are many locations in business zones where additional apartment housing above first floor retail would be desirable and appropriate."

Then continue with sentence: "Expansion of these apartment units...."

### Permit Mixed Use Development

- Insert as new beginning sentence: "Dartmouth allows very limited residential development within business zoned areas. Currently, only over 55 housing is allowed by Special Permit and one business apartment per lot. Business zoning in Dartmouth consists of significant acreage, much of it unsuitable for business development."

Then continue with: "The Town can consider the use ..."

After the above sentence add: "This will allow increased housing options for commuters, singles, empty nesters, and young couples."

Then continue with: "To achieve the mixed use component..."

Directly, discussion commenced on the Priority Development and Priority Protection Areas map which has been developed with mutual assistance from the Planning Director; Michael O'Reilly, the Town's Environmental Affairs Officer; and Ms. Wender.

Comments from Board members were offered with the primary concern being whether the map matches up with the Town's Master Plan.

Ms. Wender stated there will be a public meeting where the community, Town Boards, and other interested parties can make comments on the plan.

- (6) 7:30 P.M – PUBLIC HEARING - Definitive Subdivision Plan entitled "Thomas Henry Heights" which proposes to create a 10 lot subdivision from a previously approved 40B development entitled "Brady Estates" located on the west side of Hixville Road just north of I-195**

A motion was made by Mr. Toomey, duly seconded by Mr. Mickelson, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:52 p.m. in order to go into

## MINUTES OF REGULAR PLANNING BOARD MEETING OF APRIL 8, 2013

a public hearing<sup>1</sup> concerning a Definitive Subdivision Plan entitled "Thomas Henry Heights" which proposes to create a 10 lot subdivision from a previously approved 40B development entitled "Brady Estates" located on the west side of Hixville Road just north of I-195.

The regular meeting resumed at 8:40 p.m.

### Administrative Items

#### **(7) Initial review of Definitive Subdivision Plan entitled "Thomas Henry Heights"**

Following the close of this evening's public hearing, the Planning Director recommended the Planning Board approve the subdivision entitled "Thomas Henry Heights" in accordance with the draft certificate including the two additional conditions identified during the public hearing.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to approve the Definitive Subdivision Plan entitled "Thomas Henry Heights" for property located off Hixville Road just north of I-195. The plan consisting of seven sheets was prepared by SITEC, Inc. for Brady Estates, LLC c/o Joseph W. Lemieux, 383R Hixville Road, Dartmouth, MA 02747 and submitted to the Planning Board office on March 13, 2013.

The approved Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Title Sheet	--	April 26, 2012
Thomas Henry Heights		rev. Oct. 3, 2012
Overall Subdivision Plan of Land	1 of 2	April 26, 2012
Thomas Henry Heights		rev. October 3, 2012
Definitive Subdivision Plan of Land	2 of 2	April 26, 2012
Thomas Henry Heights		rev. October 3, 2012
Plan & Profile Digger Drive	1 of 4	April 26, 2012
Thomas Henry Heights		rev. October 3, 2012
Overall Plan	2 of 4	April 26, 2012
Thomas Henry Heights		rev. October 3, 2012
Detail Sheet – 1	3 of 4	April 26, 2012
Thomas Henry Heights		rev. October 3, 2012
Detail Sheet – 2	4 of 4	April 26, 2012
Thomas Henry Heights		rev. October 3, 2012

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<sup>1</sup> For more information, see minutes of Planning Board's Public Hearing of April 8, 2013 "Thomas Henry Heights"

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The conditions of approval are listed below:

1. Parcel B should be labeled as a lot, not a parcel.
2. Note 1 shall be modified by deleting the word "immediately" and the rest of the sentence and substitute the following words instead: "within 6 months of the subdivision approval and prior to any release of lots."
3. Access to Parcel A shall be shown by an easement or strip of land to a public street.
4. A street sign must be added to the street plan.
5. The proposed development will eliminate previous lots by combining and relocating property lines. Since water services were already installed, several lots have 2 water services and two lots (#1 and #10) do not have any water services. Only one service will be allowed for each lot, which will necessitate the removal of some services. The existing service closest to the middle of the new lot should remain and the additional service should be eliminated at the water main and the curb stop and box removed. New water services must be installed on Hixville Road for Lots 1 & 10. These changes shall be shown on the subdivision plan.
6. The roadway was paved with a binder course approximately 5 years ago. Any deterioration of the existing binder course of pavement must be properly cut out and repaired. This requirement shall appear as a note on the subdivision plan.
7. In accordance with a request from the Fire Chief of District #3, "no parking" signs shall be posted around the cul-de-sac and shown on the plans. If this street is petitioned for acceptance as a public way, the petitioner for acceptance shall request the Select Board post the cul-de-sac for "no parking" within 6 months of the acceptance.
8. The following note shall be placed on the subdivision plan: "No building shall be placed on lots 1 thru 10 inclusive, or lot 17-6, without the prior written consent of the Board of Health."

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

In accordance with M.G.L., Chapter 41, Section 81-R, and as part of the Board's approval of said plan, the following waivers from its Subdivision Regulations were granted:

Section 3.303(h) – Gradient - to allow a grade greater than 3% within 50 feet of the intersection with Hixville Road. With the proposed vertical curve at the intersection, the effective grade is 3.6%, as the road has already been constructed.

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Section 3.303(i) – Pavement Right-of-Way Width – to allow a 40 foot right-of-way, as three lots were previously conveyed and restricted the right-of-way width to 40 feet.

Section 3.303(k) – Turnarounds - to allow a right-of-way radius for 60 feet and a pavement centerline radius of 40 feet, as the cul-de-sac has been constructed based on the previous 40B approval.

It is the opinion of the Planning Board that the above waivers can be granted since the waivers are not inconsistent with the intent and purpose of the Subdivision Control Law.

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

### **(8) 8:15 P.M – APPOINTMENT - Alan Heureux, Boucher & Heureux, Inc.: Initial review of Off-Street Parking Plan entitled “King Plaza”**

Present: Alan Heureux, Boucher & Heureux Engineering, Inc.  
Roland Valois, R. P. Valois & Co.

Alan Heureux, representing R.P. Valois & Co., spoke about an off-street parking plan for the former King Lumber Company on Russells Mills Road. He stated Mr. Valois is proposing a mixed use redevelopment which includes a restaurant, a gym, retail, offices, and three apartments.

The Planning Board was very enthusiastic about this proposed revitalization pointing out that this project is everything the Planning Board is looking for in the Dartmouth Street/Bliss Corner area.

Lengthy discussion ensued. There was some dialogue that the proposal will require Zoning Board of Appeals relief from Section 16 on parking for the three apartments and the shared parking between the two parcels. Board members also voiced concern this project was before the Planning Board prior to receiving Board of Appeals relief and there may be valid abutter issues which the Board may not be aware of.

The Planning Board suggested that the Planning Director, in his recommendation to the Board of Appeals on the variance application, include a request that the Board of Appeals require a shared parking agreement between the two lots if the lots are ever placed in separate ownership or subdivided.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the Off-Street Parking Plan entitled “King Plaza” prepared for R.P. Valois & Co., 365 Faunce Corner Road, Dartmouth, MA 02747.

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The Parking Plan is for property located off Russells Mills Road, Rogers Street and Potter Street and was submitted to the Planning Office on March 11, 2013.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Date</u>
Layout Plan, King Plaza	March 8, 2013
Grading Utilities & Landscape Plan, King Plaza	March 8, 2013

Conditions of approval are listed below:

1. The sidewalk in front of building #2 needs to be extended out to Rogers Street.
2. Sidewalks shall be provided along all the frontage of the properties.
3. The applicant should work with the Town to stripe and define on-street parking spaces along Russells Mills Road and Potter Street.
4. A shared parking agreement allowing the sharing of parking on both lots even if the lots are placed in separate ownership or subdivided shall be provided. This shall appear as a note on the plan.
5. If outdoor restaurant seating is to be provided, the number of seats should be added to the plan and noted that additional parking for those outdoor seats is not required.
6. The Landscape Plan needs the following modifications:
  - A. The Seagreen junipers in the islands need to be spread more uniformly throughout the islands.
  - B. The existing screening evergreens around lots 87, 98, and lot 100 need to be labeled "existing evergreen screen to be preserved."
  - C. The tree plantings need to be diversified by substituting some of the Zelkova with the following: Platanus acerifolia, Ulmus accolade, and Ulmus Americana Valley Forge.
  - D. An evergreen screen of the following need to be provided between the building #4 parking lot and the street and abutter: Thuja plicata, Picea abies, and Pinus strobus.
  - E. Additional trees need to be provided throughout the parking facility in the lawn areas especially near lot 100, in front of buildings 2 and 1, along Russells Mills Road in front of building 3, and at the corner of Russells Mills Road and Rogers Street in front of building 1. These areas are wide grass areas and should be combinations of evergreen and deciduous trees previously listed.

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- F. Minimal foundation plantings are needed in front of buildings #1, #2, and #3.
  - G. Planning Staff is available for details regarding the above.
7. This approval by the Planning Board is subject to the granting of variances by the Board of Appeals to allow the parking plan to be built in accordance with the Planning Board approval.
  8. The sewer service to Building One is not shown. The proposed conversion of this building into two restaurants will require an outside grease trap of sufficient size. The location and details of the connection into the sewer main should be shown.
  9. Any installation of curb along the edge of pavement on Rogers Street should be with granite curb. The curb should also be extended along the northerly side of Rogers Street from the entrance to Building Two westerly to the driveway of the abutting property of Plat 138, Lot 99 with granite curb. The D.P.W. will be installing granite curb and concrete sidewalks along Potter Street as part of the reconstruction of this roadway within the next 3 months. The engineer will need to mark out the proposed entrance on Potter Street as soon as possible in order for the D.P.W. to install the granite curb at the proper location.
  10. All sidewalks along Rogers Street must be concrete. A detail of the width (4.5' – 5.0') and cross-section should be shown on the plans.
  11. The water service for Building Two on Potter Street must be installed by April 15th and backfilled with flowable fill or the connection will have to be made from Rogers Street since the reconstruction of this roadway will be taking place shortly. Also, if this building needs a fire line, it should be shown and the same time frame exists.
  12. The proposed parking lot between Building Three and Building Four is currently a level gravel storage area. This area will be paved and the runoff will be directed into the drainage system on Center Street. The drainage pipes on Center Street may be undersized for a parking lot of this size and roof drains of these buildings. A storage system for runoff, either a detention basin or underground infiltration with an overflow to the Center Street drain, may need to be considered. Runoff calculations should be submitted analyzing this area.
  13. Water and sewer application requests will be required for Buildings Two and Four. Since Buildings One and Three are proposing a change in use, these buildings may also require new fees. "Water and Sewer Calculation Request" forms must be filed for all buildings at the Water and Sewer Billing Office.

Three sets of plans shall be submitted to the Planning Office.



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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.

### **(9) Appointment of new Planning Aide**

The Planning Director stated that the position of Planning Aide was posted internally in accordance with the Dartmouth Town Employees Association contract and two candidates applied for the position. He noted interviews were conducted with both applicants and a typing ability test was given. Mr. Perry stated that both candidates have excellent secretarial skills and a good work ethic.

Mr. Perry recommended the Planning Board appoint Jane Kirby, current clerk for the Board of Appeals. He pointed out that Ms. Kirby has attended multiple educational seminars related to Planning and Zoning and has more in-depth experience performing many of the tasks the Planning Aide position requires. Specifically, it was noted that Ms. Kirby possesses the following attributes:

- A thorough knowledge of Town zoning
- Capable administration of applications and understanding of legal deadlines
- Very knowledgeable and experienced with site plans
- A proven ability to compose and type complex Board decisions
- Familiarity with long Board meetings and proficiency in preparing minutes that condense the important points of the meeting
- Is very helpful with the public and knowledgeable in providing assistance

He further mentioned that Ms. Kirby has proven her ability to do the job when she provided assistance to the Planning Board during Ms. Couture's extended medical leave last year.

Discussion ensued on the appropriate salary placement.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to approve Staff's recommendation and appoint to appoint Jane Kirby as the Planning Aide to succeed the current Planning Aide, Joyce Couture, who will be retiring. The Planning Board voted to hire Ms. Kirby at Step 2 of the G-8 DTEA classification scale.

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

- Open Meeting Law Guide
- E-mail from Deborah Wender re: Use Variances
- Subcommittee Reports
- Board of Appeals decisions
- Planning staff timesheets


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There was a brief discussion on the email communication between the Chairman and Ms. Wender, as well as, the Open Meeting Law documentation.

With no further business, a motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:25 p.m.

Respectfully submitted,  
Joyce J. Couture  
Planning Aide

**APPROVED BY:**  
The Dartmouth Planning Board

  
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**MINUTES OF PLANNING BOARD PUBLIC HEARING OF APRIL 8, 2013**  
**Definitive Subdivision Plan entitled "Thomas Henry Heights"**  
**Room #315, Town Office Building, 400 Slocum Road**

**Planning Board Members**

Mr. Joel Avila, Chairman  
Mr. Joseph E. Toomey, Jr., Vice Chairman  
Mrs. Lorri-Ann Miller, Clerk  
Mr. John V. Sousa  
Mr. Stanley M. Mickelson

**Planning Staff**

Mr. Donald A. Perry, Planning Director  
Mrs. Joyce J. Couture, Planning Aide

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The Chairman opened at 7:52 p.m. the public hearing<sup>1</sup> concerning a Definitive Subdivision Plan entitled "Thomas Henry Heights" which proposes to create a 10 lot subdivision from a previously approved 40B development entitled "Brady Estates" located on the west side of Hixville Road just north of I-195. The subdivision road is currently substantially built and named "Digger Drive". Two parcels (44.7 and 31.7 acres) are also shown on the subdivision plan. The plan was prepared for Brady Estates, LLC, c/o Joseph W. Lemieux, 383R Hixville Road, Dartmouth, MA 02747 by SITEC, Inc. and was submitted to the Planning Board office on March 13, 2013.

All Planning Board members and Planning staff were present.

A motion was made by Mrs. Miller, seconded by Mr. Mickelson for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, March 20, 2013, and again on Wednesday, March 27, 2013.

The Planning Director stated the application for the Definitive Subdivision Plan was officially time stamped in the Town Clerk's office on March 13, 2013, which begins the timeline for action by the Planning Board on this proposal. Mr. Perry proceeded to read the following into the record:

- Requested waiver list
- Planning Staff's review and comments
- Letter from the Department of Public Works dated March 19, 2013
- Letter from the Board of Health dated April 3, 2013

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<sup>1</sup> For more information, see minutes of the Planning Board's regular meeting of April 8, 2013

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF APRIL 8, 2013  
Definitive Subdivision Plan entitled "Thomas Henry Heights"**

The Chairman asked if the applicant or his representative would like to speak.

It is noted for the record that Steven Gioiosa, SITEC, Inc. and Joseph Lemieux, the applicant, were the only individuals present for this public hearing.

Mr. Gioiosa provided a general overview of the project. He mentioned the development was previously approved as a 16-lot 40B project and three of the lots have already been conveyed to private individual parties. Mr. Gioiosa stated the drainage has previously been approved by the Town's drainage consultant and the roadway is built. He also indicated the developer will be working with the Department of Public Works on road repairs.

Parcels A and B as designated on the plan were examined. There was dialogue on the ability to access these parcels because of the wetlands. Another concern mentioned was how many house lots could be created without getting zoning relief from the Board of Appeals. A lengthy general discussion ensued with the questions and concerns from Board members being addressed.

The Chairman asked if the Planning Board had any final comments or questions.

There were none.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to close this public hearing at 8:40 p.m.

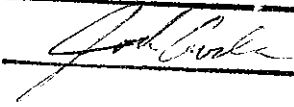
Respectfully submitted,  
Joyce J. Couture  
Planning Aide

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