

TOWN OF DARTMOUTH PLANNING BOARD



REGULAR MEETING MINUTES

September 23, 2019  
Planning Board's Meeting Room #315  
Town Office Building, 400 Slocum Road, Dartmouth, MA

**Present**

Lorri-Ann Miller, Chairman  
Kevin Melo, Vice Chairman  
Stephen Taylor, Clerk  
John Sousa  
Margaret Sweet

Christine O'Grady, AICP, Planning Director

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DARTMOUTH JOHN SOUSA CLERK

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Chairman Miller opened the Board's regular meeting at 7:00 p.m.

**Administrative Items**

- (1) **Endorsement of Approval Not Required (ANR) Plan**  
Grinnell Rd./Birchfield Road                      Map 105    Lots 61 & 62

Present:        Donald Medeiros, Able Engineering, Inc.  
                    Richard Dow, Owner of subject parcels

Mr. Medeiros explained that the purpose of this ANR plan is to merge the two lots and combine them into one lot for tax assessment purposes, etc.

John Sousa motioned to endorse the above-referenced ANR plan, which was seconded by Stephen Taylor, and unanimously voted.

- (2) **Endorsement of Approval Not Required (ANR) Plan**  
Faunce Corner Road/Ventura Drive              Map 63    Lots 12, 11-9, 11-7

Present:        Mark Boucher, Boucher & Associates

Mr. Boucher explained that an ANR for this subject property was approved about a year ago. He stated that the applicant owns 28 Ventura Drive and purchased a 50 foot strip of land last year that became part of his lot as a result of the 2018 ANR endorsement. He realized that he needed an additional 10 feet. This ANR shows the 10 foot strip that will be added to the 28 Ventura Drive parcel.

John Sousa motioned to endorse the above-referenced ANR plan, which was seconded by Kevin Melo, and unanimously voted.

TOWN OF DARTMOUTH PLANNING BOARD



REGULAR MEETING MINUTES

September 23, 2019

Planning Board's Meeting Room #315

Town Office Building, 400 Slocum Road, Dartmouth, MA

- (3) **Site Plan Review – Slocum Road – Stadium Parking Lot Layout**  
50-day deadline for Planning Board action (10/19/19)

The Planning Director explained that the Town submitted a request to continue this review to allow time to go before the Zoning Board of Appeals for variances. Since the ZBA public hearing is scheduled for October 22, 2019, she recommended that this Site Plan Review be continued to November 4, 2019.

Kevin Melo motioned to continue this Site Plan Review to November 4, 2019. This motion was seconded by Margaret Sweet and unanimously voted.

**Continued Public Hearing – Original Hearing Date 9/9/19**

- (4) **Special Permit – 375 Faunce Corner Road**  
Applicant: Health Circle, Inc.

Proposed renovation of existing commercial space for the purpose of operating an Adult Use Marijuana Retail Establishment

Margaret Sweet recused herself.

Alternate Board Member Kathleen DelSordo was present for this continued public hearing.

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

Correspondence received: Letter dated September 23, 2019 from Valerio Romano, Esq., representing Health Circle, Inc. requesting that this public hearing be continued

Letter from Steven Gioiosa, P.E., SITEC, Inc. requesting that the application be withdrawn without prejudice

Email from Steven Gioiosa, P.E., SITEC, Inc. dated September 23, 2019

Mr. Gioiosa stated that he represents both Stanley Street Holdings and Health Circle, Inc. He explained that the landowner has entered into an agreement with a manufacturer for a larger, underutilized space at the rear of their building and will

# TOWN OF DARTMOUTH PLANNING BOARD



## REGULAR MEETING MINUTES

September 23, 2019

Planning Board's Meeting Room #315

Town Office Building, 400 Slocum Road, Dartmouth, MA

be applying for a Special Permit with the Planning Board for that use in the near future.

As a result of the concern for the location of the marijuana establishment expressed at the last meeting, the applicant has determined that a withdrawal of the Special Permit application was the best decision at this time.

As a result of a miscommunication between the property owner and the applicant, both a continuance request and a withdrawal letter were submitted on the same day.

Mr. Gioiosa emailed the landowner, representatives from Health Circle, Inc., and the Planning Director clarifying that the request should be to withdraw the Special Permit application without prejudice. The Planning Director confirmed that the request is to withdraw without prejudice.

John Sousa motioned to accept the withdrawal of the Special Permit application without prejudice. This motion was seconded by Kathleen DeSordo for discussion.

A Board member stated that he hoped that the applicant would find a suitable location for the business. Mr. Gioiosa stated that the applicant is actively searching for an alternate location.

The Board unanimously voted to close the public hearing and accept the withdrawal without prejudice.

### Appointment

(5) **Brian Cruise, Esq., Assistant Town Counsel**

**Discussion: Possible floor amendment for Fall Town Meeting regarding the proposed zoning articles to amend and revise the Open Space Residential Design Zoning Bylaw.**

Chairman Miller explained that after the public hearing, Dexter Mead, Executive Director of the Dartmouth Natural Resources Trust (DNRT), had emailed the Planning Director with questions regarding the proposed OSRD bylaw amendments. The Planning Director forwarded his email to Attorney Cruise, who found an ambiguity in the language and wanted to discuss it with the Board.

# TOWN OF DARTMOUTH PLANNING BOARD



## REGULAR MEETING MINUTES

**September 23, 2019**

**Planning Board's Meeting Room #315**

**Town Office Building, 400 Slocum Road, Dartmouth, MA**

Attorney Cruise noted that the proposed floor amendment does not have to happen at Fall Town meeting but he thought it would be prudent to discuss an OSRD bylaw revision ambiguity with the Planning Board so the Board could make its own determination.

Attorney Cruise proceeded to explain that the revisions to the OSRD bylaw will lay out the order of preference regarding who will be offered the Conservation Restriction for the Open Space parcel of an OSRD development:

1. Non-profit conservation entity with abutting conservation parcel(s)
2. Conservation Commission
3. Select Board
4. Any other non-profit conservation entity
5. Home Owner's Association (HOA) - Restrictive Covenant

Attorney Cruise noted that the applicant would have to prove to the Planning Board that the Conservation Restriction was first offered and declined by all four previous entities before it went to the HOA version.

Dexter Mead wanted to know if the open space was given to the abutting non-profit conservation entity outright, would that entity still be offered the Conservation Restriction.

Attorney Cruise explained that you can't own both the deed to the open space parcel and the Conservation Restriction because that would cause the Conservation Restriction to disappear. He stated that if the abutting non-profit was granted the open space parcel outright, the abutting non-profit would not be eligible for the Conservation Restriction for that reason. He noted that technically, as currently written, someone could misinterpret and argue that they are supposed to be offered the Conservation Restriction even if they own the deed for the open space parcel. He clarified that the more reasonable interpretation of the language as currently written would be that a Conservation Restriction can't be created if it just disappears, so it would have to be offered to the next in line.

Attorney Cruise thought that because it was questioned, and because it is the Board's intent to have the Conservation Restriction on the open space parcel, this potential misinterpretation of the bylaw should be addressed. He did not view this as an immediate issue but wanted to discuss it with the Board prior to Town Meeting. Attorney Cruise provided a simple floor amendment that would eliminate

TOWN OF DARTMOUTH PLANNING BOARD



REGULAR MEETING MINUTES

September 23, 2019  
Planning Board's Meeting Room #315  
Town Office Building, 400 Slocum Road, Dartmouth, MA

the bylaw ambiguity.

Discussion ensued. The Board determined that this is a "housekeeping" item and could wait until Spring Town Meeting.

**Administrative Items**

**(6) Planning Board Meeting Schedule thru December 2019**

John Sousa motioned to approve the meeting schedule, which was seconded by Kevin Melo, and unanimously voted.

**Planning Board's Meeting Schedule thru December 2019**  
**Planning Board Meeting Room #315**

Monday, September 23, 2019	Regular Meeting
Monday, September 30, 2019	NONE
Monday, October 7, 2019	Regular Meeting
Monday, October 14, 2019	NONE – Columbus Day
Monday, October 21, 2019	Regular Meeting
Monday, October 28, 2019	NONE
Monday, November 4, 2019	Regular Meeting
Monday, November 11, 2019	NONE – Veteran's Day
Monday, November 18, 2019	Regular Meeting
Monday, November 25, 2019	NONE
Monday, December 2, 2019	Regular Meeting
Monday, December 9, 2019	NONE
Monday, December 16, 2019	Regular Meeting
Monday, December 23, 2019	NONE
Monday, December 30, 2019	Regular Meeting

**(7) Approval of Minutes**

Regular Meeting of September 9, 2019

Kevin Melo motioned to approve the regular meeting of September 9, 2019, which was seconded by John Sousa, and unanimously voted.

Public Hearing of September 9, 2019 – 375 Faunce Corner Road Special Permit

# TOWN OF DARTMOUTH PLANNING BOARD



## REGULAR MEETING MINUTES

September 23, 2019

Planning Board's Meeting Room #315

Town Office Building, 400 Slocum Road, Dartmouth, MA

John Sousa motioned to approve the public hearing minutes of September 9, 2019 for 375 Faunce Corner Road Special Permit. The motion was seconded by Kevin Melo, and voted (4 yes; 1 abstain). Margaret Sweet abstained from voting.

### (8) Correspondence

Legal Notices from Town of Westport

John Sousa motioned to acknowledge and file the above-referenced legal notice, which was seconded by Kevin Melo and unanimously voted.

### (9) For Your Information/New Business

#### Planner's Report

##### Planning Board Office Administrative Items

The Planning Director put together a list of items that should be addressed, which include:

- Site Plan Review Bylaw
- Flood Plain Overlay
- Subdivision Regulations
  - o Remove Covenants
  - o Design standards / required improvements per DPW & Building Dept.
  - o Subsequent action section
  - o Miscellaneous items
- Zoning and general Town map "tweaks"

##### Master Plan Department Head Interviews

The Planning Director has been conducting Department Head interviews for the Master Plan and is putting together a list of her findings. She was seeking insight to determine each department's vision and needs.

Chairman Miller suggested that the DPW and Building Commissioner either attend a Planning Board meeting or submit a list of design standards or required improvements for review prior to addressing them in the subdivision regulations. The Board agreed with this suggestion to eliminate any possible confusion.

# TOWN OF DARTMOUTH PLANNING BOARD



## REGULAR MEETING MINUTES

September 23, 2019

Planning Board's Meeting Room #315

Town Office Building, 400 Slocum Road, Dartmouth, MA

### New Business

Chairman Miller stated that the Finance Committee did not give a favorable recommendation for the Citizen's Petition to amend the Marijuana Establishments Overlay District Bylaw. She noted that there was a lot of confusion on the part of the Finance Committee and Select Board regarding all the proposed zoning articles for Fall Town Meeting. She thought that in the future, they should attend meetings or at least the public hearing to help clear up any confusion.

#### (10) Long Range Planning

**Discussion: Future Planning Priorities for the Town**  
**Steven Taylor, Planning Board Member**

Mr. Taylor forwarded a memorandum to Planning Board members asking them to consider prioritizing and focusing on suggested long range planning topics. He wanted the Board to be able to carve out time in order to focus on these topics to deal with issues he identified and thought should be addressed in a timely manner.

Mr. Taylor expressed a strong interest in preserving green fields, existing farmlands, and working towards eliminating suburban sprawl. He thought options and incentives for farmers should be explored in an effort to entice farmers to preserve their land rather than develop it. He also expressed concern with climate change and sea level rise.

Mr. Taylor asked for Board member opinions.

A long-term Board member explained that in the past the Board would meet every week. Long range planning was discussed every other week. This member agreed with Mr. Taylor's concerns but did not necessarily agree with the solutions expressed in his memorandum.

Discussion ensued. Board members talked about the creation of neighborhoods. The thought process was to try and create densely populated mixed-use, walkable neighborhoods with stores, restaurants, salons, bike paths, etc. in the built environment. Members agreed that maintaining the rural character of the Town was important, and would like to continue to work towards preserving open space and farmlands, as well as valuable natural resources.

A Board member stated that he would like to focus on senior and veteran housing. He wanted to utilize the Rte. 6 corridor in an effort to address concerns with the

TOWN OF DARTMOUTH PLANNING BOARD



REGULAR MEETING MINUTES

**September 23, 2019**  
**Planning Board's Meeting Room #315**  
**Town Office Building, 400 Slocum Road, Dartmouth, MA**

potential of large retail buildings going unused. He explained that citizens often view planning as "the north vs. the south" when in reality it's more about where the Town's infrastructure is located. His thought was that elderly people want more manageable living space near amenities and would sell their homes, which would lead to less need for large single-family developments.

Mr. Taylor believed that some Town roads will be underwater in the future due to sea level rise and climate change. As a potential solution, he thought that the Board could impose stricter environmental rules than the State or the Federal Government impose.

Concluding, Mr. Taylor thanked everyone for participating in this discussion and asked that the Board find the time to continue discussing long range planning topics. He wanted the Board to stay ahead of the curve.

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

John Sousa motioned to adjourn the meeting at 8:30 p.m., which was seconded by Kevin Melo and unanimously voted.

The next Planning Board meeting is scheduled for October 7, 2019 in Room #315, Town Office Building, 400 Slocum Road.

Respectfully submitted,  
Jane Kirby, Planning Aide

**APPROVED BY:**  
The Dartmouth Planning Board

*Roni-Ann Miller*

Date of Approval: October 7, 2019