

TOWN OF DARTMOUTH PLANNING BOARD



REGULAR MEETING MINUTES

Date: October 21, 2019  
Planning Board's Meeting Room #315  
Town Office Building, 400 Slocum Road, Dartmouth, MA

RECORDED  
2019 OCT 27 PM 11 29  
DARTMOUTH

**Present**

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

Christine O'Grady, AICP, Planning Director

**Absent**

Kevin Melo, Vice Chairman

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

**Appointment**

- (1) **David Riquinha, Building Commissioner/Zoning Enforcement Officer**  
Discussion, Question and Answer Session

Mr. Riquinha stated that he wanted to address any concerns or questions the Board may have regarding office policy.

The Planning Director stated that the Special Permit applications go to the Building Department prior to the Planning Office and Mr. Riquinha will write a letter to the applicant regarding what relief is required. She also noted that she works closely with Mr. Riquinha regarding the interpretation of zoning bylaws.

A Board member questioned if the Board has the right to disagree with the Zoning Enforcement Officer's determinations. Mr. Riquinha responded yes. He stated that when he makes a zoning determination, he is writing what is required for a building permit based on his analysis pursuant to the zoning bylaws and Massachusetts General Law. He explained that if he refers an application to the Board for Site Plan Review or a Special Permit, it is up to the Board to determine whether or not that approval is warranted.

A Board member questioned who Mr. Riquinha reports to. Mr. Riquinha responded that he reports to his appointing authority, the Select Board.

A Board member questioned if he would bring any zoning bylaw ambiguities or interpretation difficulties to the Board so that the bylaws can be clarified. Board members stated that they would welcome his feedback in an effort to avoid potential, noting that the intent of the zoning bylaw is important. The Board's goal



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**(4) Input on FY2021 Needs Assessment for Community Preservation Committee**

The Planning Board did not have any input for the Community Preservation Committee. The Board requested that the Planning Director review past Board comments and report back what was done in the past.

**(5) Minutes**

Regular Meeting of October 7, 2019  
Public Hearing of October 7, 2019 – Stonewall/Tree Removal – Hixville Road

Stephen Taylor motioned to approve the above-referenced minutes, which was seconded by John Sousa, and voted (4 yes; 1 absent).

**(6) Correspondence**

Legal Notice from Dartmouth Zoning Board of Appeals  
Legal Notice from Dartmouth Conservation Commission  
Legal Notice from Town of Westport

Stephen Taylor motioned to acknowledge and file the above-referenced correspondence. The motion was seconded by John Sousa, and voted (4 yes; 1 absent).

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

**Planner's Report**

Master Plan Workshop – 10/30/19

The Planning Director announced that the next Master Plan Workshop will be held at the new library on Cross Road on October 30<sup>th</sup> at 6:30 p.m. to discuss housing, land use, and economic development.

Joint Meeting with the Select Board

The Planning Director stated that there is a joint meeting with the Select Board tentatively scheduled for December 2<sup>nd</sup> at 6:30 in Room #301. Chairman Miller stated that the purpose of the joint meeting is to open up communication between the two boards.

Revised Planning Board Schedule

The Planning Director stated that the December 30<sup>th</sup> meeting will be taken off of the schedule.

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**Subcommittee Reports**

Soils Board

Margaret Sweet stated that she met with the Soils Board and they held their election. She stated that she will go on a site tour in the near future to get a better idea of her role on that Board.

**(6) Discussion: Long Range Planning**

The Planning Director wanted to know what the Board would like to work on for long range planning. Discussion ensued. The Board requested a priority list from the Planning Director for discussion at the next meeting.

*Margaret Sweet recused herself from participating in Site Plan Review for 479 Faunce Corner Road and was not present for the remainder of the meeting.*

*Kathleen DelSordo, Alternate Planning Board member, was present.*

**(3) Site Plan Review – 479 Faunce Corner Road**

- Lot 1- Marijuana Establishment (Special Permit Hearing on 11/18/19)
- Lot 2- Dunkin Donuts (Special Permit Hearing on 11/18/19)
- Lot 3- 10,500 s.f. Office Building
- Lot 4- 18,000 s.f. Office Building

Present: Mark Bobrowski, Esq.  
Zachary Gless, Existing Grade Inc.  
Jason Adams, P.E., McMahon Associates – Traffic Engineer  
Lawrence Silva, P.E., Silva Engineering – Lot 2  
Dennis Colwell, Architect, Apotho Therapeutics – Lot 1

Attorney Bobrowski addressed the Board first, and stated that he represents all four projects. He thought it made sense for the projects to be presented together so the Board can review the interconnections. He proceeded to give a brief overview of the projects, and introduced the development team present at this meeting.

Zachary Gless reviewed the proposal in detail:

- 461-479 Faunce Corner Road (previous ANR approval)
- Zoned Office Industrial/Faunce Corner Overlay District

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- Total site is just under 56 acres
  - 3 residential structures to be razed
- Lot 1, 2, 3, and 4 will comply with current zoning (area/frontage)
- Project serviced by existing water, sewer, utilities along Faunce Co Rd.
- Wetlands on the site
  - Previously flagged and located
- Currently 3 existing curb cuts on Faunce Corner Road
  - Proposal will maintain the existing curb cuts
    - No additional curb cuts
- Lot 4 will be accessed by a private driveway from Faunce Corner Road
  - Owned and maintained as a private driveway
  - Constructed to Town standards for a commercial road in case the Town does accept the road in the future
- Lot 2 will be accessed from private driveway
  - Interconnecting driveway from behind Lot 2 to access Lot 3
- Lot 3 will be accessed from Faunce Corner Road
- Drainage for Lot 1 & Lot 3 will flow into a proposed pond on Lot 4
- Lot 2 will have self-contained drainage system

Jason Adams gave a general overview of the Traffic Impact Report. He noted that the report looked at all 4 lots together, and focused on the operation and safety of the new roadway as well as all the individual driveways serving the 4 lots on the site. He stated that they completed traffic counts along Faunce Corner Road, and forecasted out the vehicle trips associated with each different land use to understand the operation of the driveways and the intersection of the roadway with Faunce Corner Road. He also completed a site distance review at each of the three curb cuts on Faunce Corner Road. The review concluded that the project as a whole would not have any significant impact on the operations along Faunce Corner Road. Any vehicle delay would be felt at the individual land uses, but the design provides for safe and efficient flow during peak periods.

Chairman Miller expressed concern with the proposed resultant 4-way intersection. She stated that the office facility has been expanded since the 2018 Traffic Impact report.

A Board member stated that he will be encouraging the installation of conduits, pvc etc. during the construction process in anticipation of a traffic light so that if at a future time a traffic light is warranted, the street would not be disturbed.

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A Board member suggested that the entrance to Faunce Corner Road should be located more east into the road system.

A Board member questioned if the study included a healthy and thriving retail marijuana establishment. Mr. Adams responded that all of the trip generations were based on the industry standards for the proposed uses.

Lawrence Silva, P.E. reviewed the site plan for Dunkin Donuts (Lot 2).

- Location of Entrance/Exit points
- Just under 1,800 s.f. building
- Outdoor seating provided
- Parking along the perimeter
- 2 elements of drainage
  - One in the front for roof drainage recharge
  - Surface drainage collected and put through drainage system and discharged into wetlands
- Landscaping plan
- Cross-thru driveway to allow Lot 3 to connect to the driveway of Lot 4
- 38 parking spaces proposed, 18 required
- Signage – double sided illuminated message system
- Water and sewer connections
- Drainage calculations show reduction in peak rate in volume of flow
  - Meets the requirements for discharge
- No drive thru

A Board member questioned if bicycle access/parking is provided. Mr. Silva stated that there is plenty of space to provide it on the site.

A Board member stated that additional sidewalks will be required, citing a lack of internal sidewalks. He stated that interconnections between the sites will require sidewalks as well.

Mr. Silva stated that he will revise the plans to incorporate the suggestions.

The Dunkin Donuts building was discussed.

- 2 dozen seats inside / 18 seats outside (patio area)
- Entry facing the joint street / patio on Faunce Corner Road side

A Board member stated that the rendering presented does not meet the

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Architectural Design Standards and is a classic example of what not to do. A different rendering was then presented showing the design elements as encouraged in the Architectural Design Guide. The Board confirmed that the second rendering was the appropriate design.

Dennis Colwell stated that he the architect on behalf of Apotho Therapeutics (Lot 1) and gave an overview of the project.

- Marijuana Dispensary
- Structure 2,800 s.f.
  - Consists of 1 ½ stories
- Height = 33'
- Design harmonious with Architectural Design Guide

A Board member questioned whether the delivery truck would go through the overhead door and into the building, with the door closing before anyone gets out of the vehicle. The answer was yes, all products will be secure within the building.

Mr. Colwell stated that he heard the Board, and interconnecting sidewalks and bike racks will be added to the site plan.

A Board member questioned the ventilation of the building. The ventilation will likely be a rooftop style system. He explained the system, which will mitigate the odor.

Board members stated that they were happy with the building design as shown in the rendering.

Zachary Gless reviewed the site plan for Lot 1.

- Access off of Faunce Corner Road (north side)
- Entrance and exit off driveway for Lot 4
- Fire Chief expressed concern
  - Will be accessible for fire truck
- Drainage – roof drains / surface drainage will flow to a proposed pond
  - Stormwater plan still under review with DPW
  - Reduction in peak rate
- Retaining wall along no disturb line to preserve wetlands
- Will add bicycle racks and sidewalks to site
- 36 parking spaces provided / 21 required on site
- Auxiliary parking lot on far side of the wetlands (additional 29 spaces)

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A Board member stated he wanted better pedestrian circulation provided.

A Board member questioned the driveway layout. Alternate layouts were suggested.

Mr. Gless proceeded to review the site plan for Lot 3.

- South of Dunkin Donuts
- 10,500 s.f. office building
- 28 parking spaces proposed / 28 spaces provided
- Drainage to catch basin
- Upgraded water line
- Landscaping plan meets requirements of bylaw
- Lighting plan conforms with bylaw

The Planning Director stated that this project went before the Technical Reviewers and she still has not received comments from everyone. The Fire Chief did express concern with the fire lanes. She requested that updated plans be submitted to the office by the first week of November so she can circulate the revised plans to the Technical Reviewers and the Board.

Chairman Miller emphasized that the landscaping plan should take into consideration future growth, and site lines needed to be clear. She wanted the designer to take it into consideration to prevent any future safety issues.

A Board member liked the architectural design for the Lot 4 office building but did not approve of the Lot 3 office building design. The Lot 3 office building will be redesigned.

Concluding, Attorney Bobrowski stated that redesigned plans and additional information will be submitted by the first week in November.

Chairman Miller thanked the team for the presentation and noted that this Site Plan Review will be continued to November 18, 2019

A Board member requested that the Planning Director's report state whether or not the plans meet the design standards of the bylaw in the future.

Chairman Miller reminded the Board members to save the Site Plan Review material and bring it back for the November 18<sup>th</sup> meeting.



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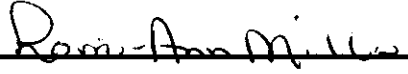
With no further business to discuss, Chairman Miller called for a motion to adjourn.

At 9:00 p.m. John Sousa motioned to adjourn, which was seconded by Stephen Taylor, and voted (4 yes; 1 absent).

The next Planning Board meeting is scheduled for November 4, 2019 in Room #315, Town Office Building, 400 Slocum Road.

Respectfully submitted,  
Jane Kirby, Planning Aide

APPROVED BY:  
The Dartmouth Planning Board

  
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Date of Approval: November 18, 2019