

MINUTES OF REGULAR PLANNING BOARD MEETING OF SEPTEMBER 12, 2011
Planning Board's Meeting Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

Mr. Joseph E. Toomey, Jr., Chairman
Mr. John P. Haran, Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Arthur C. Larrivee

Planning Staff

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

The Chairman called the meeting to order at 7:02 p.m. with all Planning Board members and Planning Staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of August 22, 2011

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the Regular Meeting of August 22, 2011 as written.

Public Hearing of August 22, 2011 "Rock O'Dundee Road Scenic Road Request"

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve the minutes of the Public Hearing of August 22, 2011 "Rock O'Dundee Road Scenic Road Request" as written.

Executive Session of August 25, 2011

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the Executive Session of August 25, 2011 as written.

Regular Meeting of August 25, 2011

A motion was made by Mr. Sousa, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to approve the minutes of the Regular Meeting of August 25, 2011 as written.

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(2) Invoices

Donald A. Perry dated August 30, 2011 for \$390.00
re: Annual membership dues for APA and AICP Massachusetts Chapter

A motion was made by Mr. Haran, duly seconded by Mr. Sousa for discussion, and unanimously voted (5-0) to approve payment of the voucher to Donald A. Perry dated August 30, 2011 in the amount of \$390.00

(3) Correspondence

Legal Notices from City of Fall River
Legal Notices from Town of Westport
Legal Notices from Board of Appeals
Legal Notices from Conservation Commission

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to acknowledge and file the above referenced correspondence.

Appointment

(4) 7:05 P.M. – APPOINTMENT - Richard Rheume: Final review of Off-Street Parking Plan entitled “Stephen’s Hair Salon”

Present: Richard Rheume, Prime Engineering, Inc.

The Planning Director mentioned this off-street parking plan has been before the Board of Appeals and Planning Board several times over the past 2 years. He noted the plan was finally agreed upon by all parties as an acceptable design based on the lot coverage and it is before the Planning Board for approval as a parking plan.

A motion was made by Mrs. Miller, and duly seconded by Mr. Haran for discussion, to approve the Off-Street Parking Plan entitled “Stephen & Co. Hair Designers” in accordance with the draft certificate as prepared by the Planning Director.

A Board member raised concern that there should be curbing along the frontage where the three trees are located. Discussion ensued.

A motion was made by Mr. Sousa, duly seconded by Mr. Larrivee, and so voted (4-1) with Mr. Haran opposed to amend the draft certificate to include a condition requiring bituminous curbing on Champion Terrace.

Directly, main motion carried (5-0) to approve the Off-Street Parking Plan entitled “Stephen & Co. Hair Designers” prepared for Stephen & JoAnne Cabral, 8 Champion Terrace, Dartmouth, MA 02747 to be located at 8 Champion Terrace. The Parking Plan was submitted to the Planning Office on November 19, 2010.

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The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
8 Champion Terrace, Existing Conditions	1 of 4	5/20/11 rev. 7/22/11
8 Champion Terrace, Site Layout Plan	2 of 4	5/20/11 rev. 7/22/11
8 Champion Terrace, Grading and Design Plan	3 of 4	5/20/11 rev. 7/22/11
8 Champion Terrace, Details Plan	4 of 4	5/20/11 rev. 7/22/11

The conditions of approval are listed below:

1. The proposed concrete sidewalk and curbing on Champion Terrace must meet the Americans with Disability Act (ADA) standards for slopes and widths. The concrete ramp on the southerly end should be eliminated since it presents a problem with the existing catch basin. This catch basin should be converted into a fat top (municipal style) and the sidewalk would end at the existing 12" maple tree. A detail of this sidewalk including gravel base, sidewalk width and thickness, ramp slopes and truncated dome detectors should be included. The sidewalk should also pitch towards the roadway. The existing brick sidewalk to the entrance steps will probably need to be reset since the new concrete sidewalk will be higher. The type of curbing should also be noted (granite is preferred). The area behind the brick walkway to the handicap wood ramp and deck also appears to be a new sidewalk. This should be noted on the plan. Bituminous berm shall be installed along Champion Terrace adjacent to the three (3) trees.
2. A detail of the paving application should be added to the plans. Curbing is to be installed around the perimeter of the parking lot.
3. A curb inlet with transitions to meet the driveway edging should be installed behind the Stormceptor frame and grate.

Public Hearing

- (5) 7:15 P.M. – PUBLIC HEARING – Definitive Subdivision Plan entitled “The Village at Lincoln Park” dated July 25, 2011 which proposes to create 57 lots for single family residential homes on the southern part of the former Lincoln Park off State Road, between Reed and Beeden Roads**

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:15 p.m. in order to go into a public hearing¹ concerning the proposed Definitive Subdivision Plan entitled “The Village at Lincoln Park.”

¹ For more information, see minutes of Planning Board's P. H. of September 12, 2011 “The Village at Lincoln Park”

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The regular meeting resumed at 9:24 p.m.

Administrative Items

(6) Initial review of Definitive Subdivision Plan entitled “The Village at Lincoln Park”

Present: Attorney John Williams, Midway Realty, LLC
Joseph Delgado, Midway Realty, LLC
Alan Loomis, McKenzie Engineering Group, Inc.

The Planning Director stated that this subdivision plan proposes to create 57 single family lots at the former Lincoln Park. As a result of this evening’s lengthy public hearing, and with the additional conditions included, Mr. Perry recommended the Planning Board could make a decision on this proposal this evening.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to approve the Definitive Subdivision Plan entitled "The Village at Lincoln Park" for property located off State Road, between Reed and Beeden Roads. The plan consisting of 29 sheets was prepared for Midway Realty, LLC c/o Attorney John Williams, 651 Orchard Street, Suite 200, New Bedford, MA 02744 for land owned by same. The plan was submitted to the Planning Board office on August 8, 2011.

The approved Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Drawing</u>	<u>Date</u>
Cover Sheet, The Village at Lincoln Park	1 of 29	July 25, 2011
General Notes, Legend, Symbols & Abbreviations, The Village at Lincoln Park	2 of 29	July 25, 2011
Overall Subdivision Layout Plan, The Village at Lincoln Park	3 of 29	July 25, 2011
Definitive Subdivision Plan Index, The Village at Lincoln Park	4 of 29	July 25, 2011
Definitive Subdivision Plan, The Village at Lincoln Park	5 of 29	July 25, 2011
Definitive Subdivision Plan, The Village at Lincoln Park	6 of 29	July 25, 2011
Definitive Subdivision Plan, The Village at Lincoln Park	7 of 29	July 25, 2011
Overall Street & Utilities Plan, The Village at Lincoln Park	8 of 29	July 25, 2011
Street & Utilities Index Plan, The Village at Lincoln Park	9 of 29	July 25, 2011

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<u>Title</u>	<u>Drawing</u>	<u>Date</u>
Grading & Utilities Plan, The Village at Lincoln Park	10 of 29	July 25, 2011
Grading & Utilities Plan, The Village at Lincoln Park	11 of 29	July 25, 2011
Grading & Utilities Plan, The Village at Lincoln Park	12 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	13 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	14 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	15 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	16 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	17 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	18 of 29	July 25, 2011
Roadway Plan & Profiles, The Village at Lincoln Park	19 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	20 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	21 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	22 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	23 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	24 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	25 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	26 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	27 of 29	July 25, 2011
Construction Details, The Village at Lincoln Park	28 of 29	July 25, 2011
Street Tree Planting Plan, The Village at Lincoln Park	29 of 29	July 25, 2011

The conditions of approval are listed below:

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1. An Order of Conditions, if applicable, must be issued by the Dartmouth Conservation Commission under State and local wetlands regulations before lots will be released for building and sale; said Order of Conditions shall refer to the plans as approved by the Planning Board. If the Conservation Commission requires modifications to the plans approved by the Planning Board, the applicant may be required by the Planning Board to modify, amend, or change the plans in accordance with M.G.L., Chapter 41, Section 81W.
2. No work can commence on this project with respect to road construction or drainage improvements until after the Definitive Plan is endorsed by the Planning Board. All site improvements shall be in accordance with plans approved by the Planning Board.
3. The intersections of Roller Coaster Way/Reed Road and Midway Park Drive/Beeden Road need the following issues addressed:
 - A. The intersection of Roller Coaster Way and Reed Road shall have a separate, marked deceleration lane heading south on Reed Road into Roller Coaster Way. The road radius from the deceleration lane to Roller Coaster Way shall be designed to facilitate the turn into Roller Coaster Way.
 - B. Mailboxes shall not be located on Beeden or Reed Roads particularly at or near the intersections of Roller Coaster Way/Reed Road and Midway Park Drive/Beeden Road. Group mailbox locations shall be provided and shown on the plans within the development, until individual lot mailbox locations are allowed.
 - C. At least 25 feet of sidewalk shall be provided along Reed and Beeden Roads at the intersection of Roller Coaster/Reed Road and Midway Park Drive/Beeden Road.
 - D. A letter from the Dartmouth Safety Officer shall be provided to the Planning Board stating that the Safety Officer is satisfied the intersections of Roller Coaster Way/Reed Road and Midway Park Drive/Beeden Road are safe as designed. This letter will be required prior to endorsement of the plan.
4. The tree easements and restriction of the recreation area as a park must be referenced in a Restrictive Covenant to be recorded at the Registry of Deeds. The tree easements must be placed in the residential lot deeds. The tree easements along the streets must also prohibit fences or walls in the tree easements from the street right-of-way to the outer edge of the tree easements. This condition must be shown on the plans and appear in the legal description of the tree easements.
5. The Street Tree Planting Plan needs the following changes:

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- A. Street trees need to be added at: the boundary of lots 22/23, and 30/31; on Roller Coaster Way opposite lot 25; and additional trees for lots 3, 7, 8, 9, 11, 16, 18, 25, 33, 55 and 56.
- B. The cul-de-sac needs 3 evergreen trees, suggest White Pine.
- C. The Ash trees should be changed to Zelkova since Ash trees are susceptible to severe insect attack.
- D. A tree easement needs to be added along Beeden Road for lots 1 thru 6 and planted with a mixture of evergreens (White Pine, White Spruce) spaced no further than 10 feet apart on center.

The following conditions are comments from the Department of Public Works:

Roadway

- 6. Sloped granite curb should be installed around the island in the cul-se-sac of Carousel Terrace.
- 7. All concrete sidewalk ramps must include truncated dome plates meeting the Americans with Disability Act (ADA) standards.

Drainage

- 8. All buildings are required to recharge roof runoff directly into the ground utilizing artificial recharge infiltration systems in an Aquifer Protection District (Zone 3). A detail of a typical system should be shown on the plans.
- 9. The Groundwater Verification Note on Dwg. No. 10 should also state that drain services must be provided for all dwellings with basements if the basement elevations are less than 2 feet above the water table as established by the Board of Health standards for septic system designs. This will prevent groundwater from being pumped into the roadway. The subsurface drain on Carousel Terrace for this purpose should be solid HDPE pipe, 8" or larger in diameter with manholes for access.
- 10. The open end drainage pipe from the swale on Lot 36 to DMH-28 should be reinforced concrete pipe.

Water

- 11. A water line at least 2" in diameter must be extended to service Lots 43-45 with a main gate in the cul-de-sac and curb stops for each lot. This line together with the proposed sewer main to these lots should be shown on the Street and Utility Plans within a 20' wide Utility Easement.

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12. The 12" water main installation to State Road from Midway Park Drive should be noted as a Future Connection required for approval of these plans.
13. Water curb stops shall be placed within the roadway layouts 1' from the front property line.

Sewer

14. A plan and profile of the proposed sewer force main from Midway Park Drive to the existing Pump Station at State Road must be included with this phase. A 20' wide sewer easement will be required for the final design location outside of any roadway layout.
15. The design of the proposed pumping station on Roller Coaster Way and the proposed sewer force main to the existing Town Pump Station must be submitted to the Town's consulting engineer for review.
16. The Town's consulting engineer must review the phasing plan for this site as part of the entire project in order to analyze the present sewer infrastructure's ability to accept additional flow into the sewer system and to make recommendations for offsite upgrades. These necessary upgrades must be made as each phase proceeds; no connection to the sanitary sewer system will be approved until all required off site upgrades have been completed.
17. The sewer main to Lots 43-45 should be shown on the Street and Utility Plans within a 20' wide Utility Easement. A gravity sewer main for these lots should be designed.
18. There is no sewer main to service Lot 17.
19. All sewer manhole joints shall be sealed with an exterior Cretex Wrap as manufactured by Cretex Specialty Products.
20. A Phasing Plan approved by the Department of Public Works is required if construction is to be done in phases.

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

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:

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Section 3.303 Streets

Section 3.303.b. Streets – Street Hierarchy

Requirement: “The Residential Service Street and Lane are the only residential subdivision streets from which new lots can gain frontage and access.”

Proposed: Lots are proposed to gain access from all subdivision streets.

Justification: The proposed development is intended to model a “village” concept. Originally proposed as the residential portion of a “smart growth” mixed-use project, the development has evolved from townhouse type multi-family units to single family dwellings, due to market changes driven by the economic downturn. In addressing the needs for this type of project, the development is designed to have relatively high density housing. To maximize the density, all roads are utilized for frontage and access.

Section 3.303.c. Streets – General Location

Requirement: “Long straight lengths of road in excess of 300 feet are prohibited. Subdivision streets shall start a curve within 150 feet of an intersection.”

Proposed: Several of the proposed roads have straight lengths of road in excess of 300 feet. Several streets do not have a curve which starts within 150 feet of an intersection.

Justification: As noted in the above response, the development is designed as a high density “village” concept. In an effort to maximize the available area, the roadway network is rather linear which provides for a more spatially economical layout. As much of the land area is designated for stormwater mitigation, this becomes a necessity.

Section 3.303.e. Streets - Intersections

Requirement: “Streets shall be laid out to intersect at right angles. Four-way intersections are not permitted unless.....”.

Proposed: The intersection of Roller Coaster Way at Reed Road is at an angle of approximately 70°.

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Justification: The proposed intersection of Roller Coaster Way and Reed Road is designed to allow for the large stormwater basin to the northwest of the intersection while providing for adequate sight distances along Reed Road. The intersection was relocated to the current position during the design process so that the roads intersect near the crest of the hill, which maximizes sight distances in both directions along Reed Road.

Section 303.f. Streets – Speed Control

Requirement: “The maximum straight length of any portion of the proposed roadway shall not exceed three hundred (300) feet in length. The centerline radii of the curve shall be as close to the minimum required by Section 3.303 (g) – Alignment, as is practical.”

Proposed: Several of the proposed roads have straight lengths of road in excess of 300 feet. Several streets have curves in excess of the minimum required radius.

Justification: As noted in the above response, the development is designed as a high density “village” concept. In an effort to maximize the available area, the roadway network is rather linear which provides for a more spatially economical layout. As much of the land area is designated for stormwater mitigation, this becomes a necessity. The relatively high density of the proposed development will help to control traffic speed throughout the subdivision.

Section 3.303.g. Streets – Alignment

Requirement: “Centerline radii be close to the minimum for all curves. No curve in the street can begin within the minimum distance as shown in Table 3 to an intersection.”

Proposed: Several streets have curves in excess of the minimum required radius. Several streets have curves which begin within the minimum distance as shown in Table 3 to an intersection.

Justification: As noted in the above response, the development is designed as a high density “village” concept. In an effort to maximize the available area, the roadway network is rather linear which provides for a more spatially economical layout. As such the roadway network does not fully

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conform to the requirements of the Subdivision Regulations. However, given the high density nature of the development, it is our opinion that neither traffic nor vehicular safety will be compromised.

Section 3.303.i. Streets – Pavement and Right-of-Way Width

Requirement: “Right-of-way width 50 ft. Abutting lots allowed 1-20.”

Proposed: Proposed right-of-way widths are forty (40) feet. Some streets provide frontage and access for in excess of 20 lots.

Justification: As noted in the above response, the development is designed as a high density “village” concept. In an effort to maximize the available area, the roadway network is designed to utilize as little area as possible while providing for a safe vehicular and pedestrian network. The forty (40) foot right-of-way allows adequate width to accommodate a twenty six (26) foot traveled way, two (2) precast concrete curbs, two (2) two and one half (2.5) foot grass strips and two (2) four (4) foot wide sidewalks. Street trees, as noted, will be planted within a five (5) foot wide Tree Easement on each side of the roadway layout. Given the high density nature of the development, the roadway network is designed to provide frontage and access to all lots. If a system of connector roads was required which did not provide frontage for lots, the number of dwellings would be significantly reduced and would render the project economically unfeasible.

Section 3.303.k. Streets – Turnarounds

Requirement: “A minimum right-of-way radius of seventy (70) feet and a minimum centerline pavement radius of forty-five (45) feet.”

Proposed: The right-of-way radius at the turnaround is proposed as fifty (50) feet and the centerline pavement radius is proposed as thirty three (33) feet.

Justification: As noted in the above response, the development is designed as a high density “village” concept. In an effort to maximize the available area, the roadway network is designed to utilize as little area as possible while providing for a safe vehicular and pedestrian network. To this end,

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the diameter of the turnaround has been reduced from the requirements of the Subdivision Regulations. To ensure proper and safe passage of emergency vehicles and school buses, the geometry of the proposed turnaround was checked utilizing AutoTurn computer software which graphically replicates the path of not only the wheels, but also the overhanging bumpers, fenders, etc. of a design vehicle.

Section 3.304 Curbing

Section 3.304.a. Curbing - General Requirement

Requirement: "Along all residential streets curbing shall be either sloped granite or Cape Cod berm."

Proposed: Precast concrete curbing is proposed along both sides of all roads within the subdivision.

Justification: Given the relatively dense development, sidewalks are proposed along both sides of all roads within the proposed subdivision to provide for pedestrian safety. The proposed use of vertical precast concrete curbing provides a more substantial physical barrier between vehicles and pedestrians than either Cape Cod berm or sloped granite curbing.

Section 3.305 Shoulders

Section 3.305.a. Shoulders – General Requirement

Requirement: "The area four (4) feet beyond the outer edge of curbing shall be graded with a horizontal pitch of 3/8 inch per foot, loamed and then seeded with a fine bladed lawn grass."

Proposed: The area between the outer edge of curbing and sidewalk is proposed to be two and one half (2.5) feet wide.

Justification: The forty (40) foot wide right of way allows for only two and one half (2.5) feet of grassed area between the outer edge of curb and sidewalk on each side of the road. Although narrower, the proposed grass strips provide for a visual separation from the roadway and as noted above, together with the vertical precast concrete curbing provides a physical barrier between vehicles and pedestrians.

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Section 3.306 Pedestrian Circulation

Section 3.306.b. Pedestrian Circulation – Location

Requirement: “Sidewalks shall be set back at least four (4) feet from the back of curb.”

Proposed: The distance between the outer edge of curbing and sidewalk is proposed to be two and one half (2.5) feet wide.

Justification: The forty (40) foot wide right of way allows for only two and one half (2.5) feet of grassed area between the outer edge of curb and sidewalk on each side of the road. Although narrower, the proposed grass strips provide for a visual separation from the roadway and as noted above, together with the vertical precast concrete curbing provides a physical barrier between vehicles and pedestrians.

Section 3.306.e. Pedestrian Circulation- Width

Requirement: “Sidewalks shall be at least five (5) feet wide.”

Proposed: The sidewalks are proposed to be four (4) feet wide.

Justification: Sidewalks are proposed on both sides of all roadways occupied by dwellings whereas normally only one sidewalk is required for single family residential subdivisions. A four (4) foot wide sidewalk provides adequate width to allow pedestrians to pass. Sidewalks on both sides of the proposed roadways will provide ample capacity for pedestrian traffic in a development of this nature.

Section 3.307 Street Trees

Section 3.307.a. Street Trees – General Requirements

Requirement: “Trees shall be located three (3) feet from the abutting property line.”

Proposed: Trees are proposed within a five (5) foot wide Tree Easement at the outside edge of the sidewalk and street right of way.

Justification: In keeping with the “village” concept, the proposed subdivision is designed to have relatively compact

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development with smaller yards and narrower streets. With a narrower right of way, space for tree planting is limited. Provision of the five (5) foot Tree Easement will allow for planting and maintenance of trees.

Section 3.310 Drainage

Section 3.310.e. Drainage – Cellar and Footing Drains

Requirement: “Waivers from the cellar drain requirement will not be permitted in subdivisions which have sewer service.”

Proposed: Cellar drains are not provided for all lots.

Justification: Due to the compact nature of the proposed subdivision and the relatively close proximity of houses to roadways and drainage infrastructure, it is difficult to provide the vertical separation needed between basement slabs and drainage pipes to allow for cellar drains. However, after review by the Conservation Commission and the Department of Public Works during the Notice of Intent process, the placement of the houses both vertically and horizontally has been modified to preclude the need for cellar drains by siting the basement slabs above seasonal high groundwater and 100 year storm levels wherever possible. For those instances where this is not possible, a system of basement subdrains is proposed.

Section 3.310.f. Drainage – Mitigation Facilities

Requirement: “Rate mitigation facilities shall be engineered so that aggregate peak discharge rates during a two (2), ten (10) or one hundred (100) year frequency storm, shall be no greater following development than 65 percent of the estimated rate prior to development. Basins shall be no greater than 30,000 square feet in area (measured at interior top of berm). The maximum stormwater depth of such basins shall be four (4) feet for a 10-year frequency storm.

Proposed: The rate mitigation facilities have been engineered to slightly reduce discharge rates in all design storm events. The rate mitigation (and treatment) facilities consist of a series of large detention and infiltration basins in excess of 30,000 s.f.

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Justification: During the Notice of Intent process with the Conservation Commission, MassDOT determined that no drainage from the project site would be allowed into the State Highway drainage system. As such, the entire 52 acre contributory watershed to the site had to be redirected to the small pond and outlet at the southeast corner of the property, whereas in the existing condition only approximately half of that area drains to that location. In order to reduce discharge rates to below pre-development rates, it was necessary to design the stormwater basins to be quite large. The stormwater basin capacity necessary to reduce the post-development discharge rate to 65 % of the pre-development discharge rate would occupy such a substantial portion of the site that it would render the project economically unfeasible.

Section 3.311 Water Service

Section 3.311.b. Water Service – Water Mains

Requirement: “Water mains shall be installed within the right-of-way on the south side of any street running east and west, and on the west side of streets running north and south.

Proposed: Water mains are proposed on the north and east side of several streets

Justification: Due to the compact nature of the project and the placement of drainage facilities it was not possible to place water mains on the south or west side of all streets. Proper separation of water mains from sewer and drainage pipes has been maintained.

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.

(7) Release of lots in the Definitive OSRD Subdivision Plan entitled “Bethany Estates”

The Planning Director noted the Treasurer’s Office has confirmed that surety has been posted in the amount of \$2,000. as determined to be sufficient by the Department of Public Works for the 5 year mowing schedule of the open field. He stated the paperwork is in order and the lots can be released.

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A motion was made by Mrs. Miller, duly seconded by Mr. Sousa, and so voted (4-1) with Mr. Larrivee opposed to release lots 1, 2 and 3 in the Definitive OSRD Subdivision Plan entitled "Bethany Estates".

Appointment

**(8) 7:45 P.M. – APPOINTMENT - Representatives from Cumberland Farms:
Initial review of Off-Street Parking Plan entitled "Cumberland Farms" on
Dartmouth Street**

Present: Attorney Gerald Johnson, representing Cumberland Farms
Rick Boyle, Regional Sales Manager for Cumberland Farms
Paul Wilson, Planning Department Manager for Cumberland Farms
Paul Duarte, Garafaolo Associates
Philip Viveiros, McMahon Transportation Engineers

Board members apologized to the representatives for Cumberland Farms in the lateness of the appointment because the public hearing held earlier this evening was very lengthy.

The Planning Director stated this off-street parking plan proposes to rebuild the Cumberland Farms at the corner of Dartmouth Street and Rockdale Avenue. He said the plan is well laid out and there are only minor adjustments needed. Mr. Perry noted the Department of Public Works and the Safety Officer have indicated they are satisfied with the design. Any concerns the Planning Director had with the curb cuts on Dartmouth Street were resolved since the Safety Officer found the curb cuts acceptable.

Attorney Johnson introduced the development team and provided a detailed description of the project. General discussion ensued.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (5-0) to approve the Off-Street Parking Plan entitled "Cumberland Farms" prepared for Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA 01702 to be located at 540 Dartmouth Street and 142 Rockdale Avenue. The Parking Plan was submitted to the Planning Office on August 5, 2011.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
540 Dartmouth Street Title Sheet, Cumberland Farms	1 of 10	July 19, 2011
Existing Conditions, Cumberland Farms	2 of 10	Dec. 21, 2010 rev. July 8, 2011

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General Notes Legend, Cumberland Farms	3 of 10	July 19, 2011
Site Demolition & Erosion Control, Cumberland Farms	4 of 10	July 19, 2011
Site Layout Plan, Cumberland Farms	5 of 10	July 19, 2011
Site Grading Plan, Cumberland Farms	6 of 10	July 19, 2011
Site Utility Plan, Cumberland Farms	7 of 10	July 19, 2011
Detail Sheet 1, Cumberland Farms	8 of 10	July 19, 2011
Detail Sheet 2, Cumberland Farms	9 of 10	July 19, 2011
Landscape Plan, Cumberland Farms	10 of 10	June 8, 2011

Conditions of approval are listed below:

1. The Board of Appeals shall issue a variance to allow an additional driveway curb cut on Dartmouth Street and as shown on the approved plans.
2. The relocation of the entrances/exits on Dartmouth Street and Rockdale Avenue need to be coordinated with the ongoing reconstruction of Dartmouth Street and Rockdale Avenue before the final paving of these streets. The applicant should contact the Dartmouth Department of Public Works immediately in this regard. A 5 year no cut policy is a State requirement on newly paved streets unless it is an emergency. Curbing along Dartmouth and Rockdale Avenue should be granite and sidewalks should be concrete. This should be noted on the plan.
3. All required permits from Fire District #1 shall be obtained before demolition permits are issued. Permits regarding gasoline sales and storage shall also be obtained from Fire District #1.
4. A sidewalk and crosswalk connection to the store shall be provided from Dartmouth Street.
5. The proposed relocation of the sewer service should include a cleanout at the Town boundary line.
6. The Landscape Plan needs the following changes:
 - A. Three additional trees are required along Dartmouth Street and one additional tree along Rockdale Avenue. The trees along Dartmouth Street and Rockdale Avenue should be a mixture of the following: *Platanus acerifolia* and *Tilia cordata*.

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- B. An evergreen buffer shall be provided along the east and west property lines spaced no further than 10 feet apart. These evergreens should be a mixture of White Pine, Leyland Cypress and Blue Spruce.
- C. The island at the north corner of the building needs 10 evergreen shrubs. It is suggested to use "Seagreen juniper". The tree in this island should also be changed to "Star magnolia".
- D. An evergreen under planting shall be provided along Rockdale Avenue and Dartmouth Street with individual plants spaced no further than 3 feet apart. The following should be used: Ilex glabra, Seagreen juniper, Taxus densiformis.

Three sets of 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.

(9) Update on Project Timeline Chart

The Planning Director stated the revised Section 16 zoning will be on the next meeting agenda.

(10) Planner's Report

- Possible subdivision off Albro Avenue

The Planning Director reported there is a possible 10 lot subdivision being considered between Millers Farm and Shannon Way. Since these are deadend subdivisions, controversy can be expected if this development comes to fruition.

- Stretch Code Energy Workshop

Mr. Perry also informed the Planning Board there is a workshop to discuss the adoption of the Stretch Code for green development in Dartmouth scheduled on Wednesday, September 21st at the Town Hall.

(11) For Your Information/New Business

- Subcommittee Reports
- Reviewer's Meeting update

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- Notice from Town of Westport, Estuaries Project Committee
- Contract between Town of Dartmouth and United Steelworkers
- Notice of Scenic Road Public Hearing for Rock O'Dundee Road
- Permitting
- Letters to Board of Appeals from Planning Director
- Board of Appeals decisions
- Planning staff timesheets

Mrs. Miller asked about the status of the Master Plan update. Mr. Perry noted that the Affordable Housing Plan component needs to be complete before going to SRPEDD. He said the grant has been submitted for the affordable housing and if it is awarded the Master Plan can be updated.

Brief discussion ensued on some of the language in the Town of Dartmouth and United Steelworkers agreement recently endorsed by the Town department heads.

Mr. Perry was asked to discuss at the next Reviewer's Meeting coordinating the permitting process within each department.

Mr. Toomey noted that the next Planning Board meeting is scheduled for September 26, 2011, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (5-0), to adjourn this evening's regular meeting at 10:10 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide