

MINUTES OF PLANNING BOARD PUBLIC HEARING OF JUNE 3, 2013
Definitive Subdivision Plan entitled "Integrity Lane"
Room #315, Town Office Building, 400 Slocum Road

RECEIVED
2013 JUN 18 A 10:58
DARTMOUTH TOWN CLERK

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

The Chairman opened at 7:34 p.m. the public hearing¹ concerning a Definitive Subdivision Plan entitled "Integrity Lane" which proposes to create one new buildable lot on an improved 16 foot wide gravel lane located on the east side of Gaffney Road. The plan was prepared for Christopher and Nicole Bottiglieri, 167 Gaffney Road, Dartmouth, MA 02748 by Site Design Engineering, Inc. and was submitted to the Planning Board office on April 30, 2013.

All Planning Board members and Planning staff were present.

The Chairman provided procedural information for the general public.

A motion was made by Mr. Sousa, seconded by Mrs. Miller for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, May 15, 2013, and again on Wednesday, May 22, 2013.

The Planning Director stated the application for the Definitive Subdivision Plan was officially time stamped in the Town Clerk's office on April 29, 2013, which begins the timeline for action by the Planning Board on this proposal. Mr. Perry proceeded to read the following into the record:

- Letter from Site Design Engineering, Inc. dated February 1, 2013
- Planning Staff's review and comments
- Letter from Timothy J. Andre, Dartmouth Fire Chief District #2
- Letter from David T. Hickox, Director of Public Works

Additionally, Mr. Perry noted that he had advised the applicant to submit documentation verifying that he has the legal right to improve the right-of-way and as yet, nothing has been submitted.

¹ For more information, see minutes of the Planning Board's regular meeting of June 3, 2013

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

Thomas Hardman, Site Design Engineering, LLC, provided a general overview of the project. He described the road layout and the location of the wetlands and the buffer zone.

The Chairman asked if anyone in the audience wished to comment.

Claude Gelinis, 155 Gaffney Road, asked several questions and voiced concern related to the wetlands, frontage for the new lot, and where the new house would be located. He also presented a plan that was filed by the applicant's father in the Conservation Commission which shows the approximate placement of the proposed house.

Mr. Hardman stated that the plan which Mr. Gelinis is referring to is a wetlands delineation filing with Conservation and the delineation from Conservation is valid for 3 years.

Mr. Gelinis was advised that he should continue to follow this proposal with the Conservation Commission and its Notice of Intent public hearing.

Natalie Garfield, Gaffney Road, encouraged the Board members to grant the requested waivers to allow a gravel road and let the drainage filtration happen naturally.

General discussion ensued with Mr. Hardman and the Planning Director responding to questions from Board members, particularly on the ability to improve the road in the existing right-of-way. Concluding, all parties were satisfied that the applicant could improve the road.


Prior to closing the public hearing, the Planning Director identified the conditions of approval and the acceptable waivers from the Subdivision Regulations.

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

There were none.

A motion was made by Mr. Mickelson, duly seconded by Mrs. Miller, and unanimously voted (5-0) to close this public hearing at 8:17 p.m.

APPROVED BY:
The Dartmouth Planning Board

 6/17/13

Respectfully submitted,
Joyce J. Couture
Planning Aide

MINUTES OF REGULAR PLANNING BOARD MEETING OF JUNE 3, 2013
5:45 p.m., Select Board's Meeting Room #301
6:15 p.m., 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

Planning Staff

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

The Chairman called the regular meeting to order at 5:47 p.m. in the Select Board's Meeting Room #301 with all Planning Board members and the Planning Director present.

Mr. Avila noted the Planning Board regular meeting would reconvene after the Executive Session in the Planning Board's meeting room #315.

Executive Session

5:45 P.M. – EXECUTIVE SESSION - Joint meeting with Select Board in Select Board's meeting room #301, pursuant to M.G.L., Chapter 30A, Section 21(a)3 re: King Fisher Corp. v. Town of Dartmouth Planning Board (No Fossil Fuel)

By roll call vote, a motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted to go into Executive Session with the Select Board in the Select Board's meeting room #301, pursuant to M.G.L., Chapter 30A, Section 21(a)3.

Stanley M. Mickelson – yes, John V. Sousa – yes, Joseph E. Toomey, Jr. – yes, Lorri-Ann Miller – yes, Joel Avila – yes.

Administrative Items

6:15 P.M. – REGULAR SESSION – Planning Board's meeting room #315

The regular meeting reconvened in the Planning Board's meeting room #315 at 6:45 p.m. with all Planning Board members and Planning Staff present.

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MINUTES OF REGULAR PLANNING BOARD MEETING OF JUNE 3, 2013

Appointments & Public Hearings

- (1) **6:45 P.M – APPOINTMENT - Deborah Melino-Wender: Final review and approval of Affordable Housing Production Plan**

Present: Deborah Melino-Wender, Director of Development

The Planning Director stated that the Planning Board has previously met with Ms. Wender to discuss the Affordable Housing Production Plan and had provided comments. He noted that the Strategies section which would be implemented by the Planning Board has since been revised to address the comments of the Planning Board.

Brief discussion ensued. The Board members voiced no concern with the final Strategies section language, pointing out the document will be used for guidance.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to approve the updated 2012 Affordable Housing Production Plan.

- (2) **Approval of Minutes**

Regular Meeting of May 13, 2013

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

- (3) **Correspondence**

Legal Notices from City of Fall River
Legal Notices from Town of Freetown
Legal Notices from Dartmouth Conservation Commission
Legal Notices from Dartmouth Board of Appeals
Letter from Robert E. Harding dated May 21, 2013

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

- (4) **Report and Recommendation to the Select Board on Chapter 61A land owned by the Ross Family et al located on Featherbed Lane**

The Planning Director stated that the Planning Board must make a recommendation to the Select Board on whether to exercise the Town's first option to purchase Chapter 61A land. Mr. Perry noted this request is for a 2.8 acre parcel of land located off Featherbed Lane in South Nonquitt.

Brief discussion ensued.

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A motion was made by Mr. Sousa, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to recommend to the Select Board that the Town not exercise its option to purchase 2.8 acres of land located off Featherbed Lane (Assessor's Map 95, Lot 5-2) and owned by the Ross Family since the property does not meet enough criteria to consider it valuable land for use by the Town.

(5) Discussion of King Plaza variance and parking plan

Present: Alan Heureux, Boucher & Heureux Engineering, Inc.

The Planning Director spoke about a parking plan at the former King Lumber Company on Russells Mills Road which was approved by the Planning Board in April. The Planning Board approved the plan subject to Board of Appeals variances for the required number of parking spaces. He proceeded to read into the record a letter from Mr. Heureux dated May 31, 2013 which attempts to explain the sequence of revisions to the plan as it was presented to the Board of Appeals. The plan presented to the Planning Board showed a reduction request for 34 parking spaces while the Board of Appeals variance request showed a request for relief for 74 spaces. Mr. Perry also informed the Planning Board that David Hickox, the Director of Public Works, has sent a letter indicating that he does not agree with some of the sidewalks as required by the Planning Board in the Certificate of Action plan approval.

Lengthy discussion ensued.

With respect to the sidewalk discrepancy, the Planning Board indicated this matter should be discussed directly with Mr. Hickox. The Board did not want to put the Board of Appeals in the middle of a policy issue between Boards. Mr. Perry would follow-up with Mr. Hickox asking his attendance at a future Planning Board meeting to discuss this matter.

Concluding, a motion was made by Mrs. Miller, duly seconded by Mr. Sousa, and unanimously voted (5-0) to send the Board of Appeals a strongly worded letter recommending that the Board of Appeals approve the same plan as the Planning Board.

(6) 7:30 P.M – PUBLIC HEARING – Definitive Subdivision Plan entitled “Integrity Lane” which proposes to create one new buildable lot on the east side of Gaffney Road

A motion was made by Mrs. Miller, duly seconded by Mr. Sousa, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:34 p.m. in order to go into a public hearing¹ concerning a Definitive Subdivision Plan entitled “Integrity Lane” which proposes to create one new buildable lot on the east side of Gaffney Road.

The regular meeting resumed at 8:17 p.m.

¹ For more information, see minutes of Planning Board's Public Hearing of June 3, 2013 “Integrity Lane”

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Administrative Items

(7) Initial review of Definitive Subdivision Plan entitled "Integrity Lane"

Following the close of this evening's public hearing, the Planning Director recommended the Planning Board approve the subdivision entitled "Integrity Lane" in accordance with the draft certificate including the additional conditions identified during the public hearing. He proceeded to list the conditions and acceptable waivers.

A motion was made by Mr. Sousa, duly seconded by Mrs. Miller, and unanimously voted (5-0) to approve the Definitive Subdivision Plan entitled "Integrity Lane" for property located on the east side of Gaffney Road. The plan consisting of six sheets was prepared for Christopher & Nicole Bottiglieri, 167 Gaffney Road, Dartmouth, MA 02748 by Site Design Engineering, Inc. and was submitted to the Planning Board office on April 30, 2013.

The approved Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover Sheet, Integrity Lane Subdivision	1 of 6	February 1, 2013
Existing Conditions, Integrity Lane Subdivision	2 of 6	February 1, 2013
Lotting Plan, Integrity Lane Subdivision	3 of 6	February 1, 2013
Site Layout, Landscape & Utility Plan, Integrity Lane Subdivision	4 of 6	February 1, 2013
Roadway Plan & Profile, Integrity Lane Subdivision	5 of 6	February 1, 2013
Construction Details, Integrity Lane Subdivision	6 of 6	February 1, 2013

The conditions of approval are listed below:

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

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approved by the Planning Board.

3. Since the "Private Way" must also be reconstructed, a profile of this roadway should be included in the set of plans. The temporary construction entrance pad should be located at the beginning of this roadway to prevent construction vehicles from tracking dirt onto Gaffney Road. A minimum 25 foot long paved apron should be constructed at the beginning of the "Private Way" to protect the paved section of Gaffney Road.
4. A street sign for Integrity Lane and a "Private Way" sign should be installed at the beginning of the "Private Way" with an arrow directing residents to Integrity Lane.
5. Add a note to the plan that existing mature healthy trees in the right-of-way not removed for construction of the road will be preserved as street trees.
6. An as-built set of plans will be required at the completion of the project.

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:

- 3.303i – Pavement Width – To allow a 16 foot wide road rather than a 22 foot wide road.
- 3.304 – Curbing – The proposed surface of the road will be gravel, therefore no curbing will be required.
- 3.303j – Improved Roadway Surface – To allow gravel rather than a paved surface.
- 3.305 – Shoulders – To not provide gravel loam shoulders.
- 3.306 – Sidewalks – The rural nature of the road and its current location does not lend itself to the creation of sidewalks.
- 3.307 – Street Trees – The proposed road has been laid out and designed to follow the driveway which services the existing house located on Lot 2. The driveway currently meanders through the woods and has significant trees located within what will be the layout. Since there will be no clear cutting of the layout, replacement trees will not be needed.
- 3.310 – Drainage – Given the rural nature of the site and the proposed gravel road, drainage will not be required.

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

(8) Planner's Report

- Zoning Articles for Spring Annual Town Meeting

The Planning Director stated that Annual Town Meeting is tomorrow and two of the zoning articles placed on the Town Meeting warrant need to be amended at Town Meeting. He said unfortunately the revised articles which were approved by the Planning Board after its public hearing and then forwarded to the Select Board's office were not the articles placed in the warrant. The Town Meeting warrant listed the original articles. Brief discussion ensued.

- Hawthorn Medical Expansion

The Planning Director mentioned that Hawthorn Medical will be submitting a plan this week. Mrs. Miller stated when the traffic study is received the Select Board and SRPEDD should be informed.

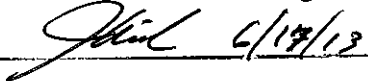
Mrs. Miller announced for the viewing public that the student housing project being proposed on Old Westport Road is under the jurisdiction of the Board of Appeals not the Planning Board.

(9) For Your Information/New Business

- Subcommittee Reports
- Board of Appeals decisions
- Planning Director's review for Board of Appeals
- Planning staff timesheets

With no further business, a motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and unanimously voted (5-0) to adjourn this evening's regular meeting at 8:45 p.m.

APPROVED BY:
The ~~Planning~~ Planning Board



Respectfully submitted,
Joyce J. Couture
Planning Aide