



**MINUTES OF REGULAR PLANNING BOARD MEETING
FEBRUARY 10, 2014
Planning Board's Meeting Room #315
Town Office Building, 400 Slocum Road, Dartmouth, MA**

Planning Board

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

Planning Staff

Mr. Donald A. Perry, Planning Director
Ms. Jane Kirby, Planning Aide

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

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Administrative Items

(1) Approval of Minutes

Regular Meeting of January 27, 2014

A motion was made by Joseph Toomey, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the regular Planning Board meeting minutes of January 27, 2014.

(2) Correspondence

Legal Notices from Dartmouth Board of Appeals
Legal Notices from Dartmouth Conservation Commission
Legal Notices from City of Fall River
Letter dated January 27, 2014 from Attorney Savastano regarding minor amendments to approved subdivision plans

A motion was made by Joseph Toomey, duly seconded by Lorri-Ann Miller for discussion, and unanimously voted (5-0) to acknowledge and file the above-referenced correspondence. The Board will discuss Attorney Savastano's correspondence at the end of this meeting.

Chairman Avila recognized Attorney Savastano's presence, noting that he is not only scheduled for an appointment this evening, but may also be able to update the Board regarding Clarendon Estates. Attorney Savastano was invited to speak at this time.



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- (6) **7:10 P.M. Appointment – Anthony Savastano, Esq. – Town Counsel**
Re: Procedures related to Street Acceptance/Subdivision Regulations

Present: Attorney Savastano
Matt Antonio, Manager – Palmer River Development Co., LLC

Attorney Savastano reviewed the history related to the Town's street acceptance procedure, noting that he worked on developing a new procedure a few years ago. (Submitted a copy of the current street acceptance procedure and a draft "Grant of Easement" form to the Planning Board). Attorney Savastano explained that with the Grant of Easement, there would not be a mortgage on the easement by any of the landowners because the developer would have reserved this easement and eventually would go to Town Meeting to have it accepted as a public way.

Attorney Savastano proceeded to explain the Clarendon issue, stating that he was requested to review easement language drafted by the developer's attorney which was not the form typically used for sewer or sidewalk easements. Attorney Savastano stated that he provided the easement form that is used by the DPW for sewer and sidewalk easements to allow access to utilities, etc. He also required a partial discharge of mortgage or liens on the property as it relates to easements. In addition to the sewer and pedestrian easements regarding lot 9, there is also a vehicular easement across Clarendon Street that is to be deeded to the Town prior to the release of Lot 9, and a discontinuance of a portion of Berkley Street over Lots 9 through 12 to be deeded to the Town of Dartmouth as a permanent 50 foot wide utility easement, as a condition on the approved plan.

Attorney Savastano recommended to the Board that if a developer wants to build a subdivision and wants to have the road accepted as a public way, they should be handed a copy of the Town's street acceptance procedure and a copy of the Grant of Easement form.

Attorney Savastano asked the Board to consider having language drafted for the Subdivision Regulations that will reference the fact that if a subdivision plan is seeking approval and is anticipating a street to become a public way, then additional conditions will also need to be met. He stated that such conditions should include a title rundown paid for the applicant but performed by an attorney to be chosen by the Town, as well as requiring a Title Insurance Policy also paid for by the applicant to protect the Town in case there is something wrong in the chain of title. At some point, the developer would also need to go through the Town Meeting process, but at least the easement would have been reserved and then granted to the Town. He explained that what happens when lots in a subdivision have been deeded out without the easement language in place, permission would be needed from both the lot owners and the banks for street acceptance, which is a



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time-consuming and difficult process.

At this time, Matt Antonio explained that the plan for Clarendon Estates was recorded along with an easement for the right-of-way for the extension of Clarendon Street and for the 50 foot wide utility easement. He noted that Lots 10, 11, 12 and 13 have been sold with the easement on it with frontage on Clarendon Street, even though Clarendon Street hasn't been accepted as a Town road yet.

Mr. Antonio stated that those lots have been deeded out subject to the utility easement known and shown as Berkley Street, with the lot line to the edge of the 50 foot wide easement rather than the center line of the road. He stated that if for some reason Clarendon Street is not accepted as a Town road it would be property owned by Palmer River Development Company with an already recorded easement to the Town of Dartmouth for the utilities and vehicular access. He also explained that there is a Homeowners Association in place.

Attorney Savastano requested copies of the documents Mr. Antonio mentioned, and used this case as an example of why the Planning Board should have a procedure in place. The Board agreed that the Planning Director should work with Town Counsel to incorporate a procedure into its Subdivision Rules and Regulations. The Board also wanted developers to understand that even if the procedure is followed the road might not get accepted since there is no way to predict how Town Meeting would vote.

Chairman Avila requested a motion from the Board to develop and incorporate the suggested procedures into the Subdivision Rules and Regulations.

A motion was made by Lorri-Ann Miller, duly seconded by Stanley Mickelson, and unanimously voted (5-0) to allow Attorney Savastano and Donald Perry to develop and incorporate a procedure into the Subdivision Rules and Regulations for developers anticipating a street in the subdivision to become a public way.

(5) Issuance of Occupancy Permit for Lot 9 for "Clarendon Estates"

Present: Anthony Savastano, Esq. – Town Counsel
Matt Antonio, Manager – Palmer River Development Co., LLC

Attorney Savastano will continue to work with the attorney for Palmer River Development Company to review the portions of the road that have been deeded out, the Homeowners Association, the Grant of Easement with title rundown, and the street acceptance procedure.



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Mr. Antonio requested that the Board give full release of Lot 9 at this time in order to have a Certificate of Occupancy issued. He stated that he will continue to work with Town Counsel to ensure the documentation meets his requirements.

Attorney Savastano reminded the Board of the two related issues for Lot 9 (the vehicular easement and discontinuance of a portion of Berkley Street).

Mr. Perry recommended that the Board allow a full release of Lot 9 conditioned upon the two remaining issues being resolved to Town Counsel's satisfaction.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to allow the full release of Lot 9 conditioned upon Town Counsel's satisfaction with the remaining issues.

(3) Planning Board Budget Request for FY 2015

The budget was discussed briefly.

A motion was made by John Sousa, duly seconded by Stanley Mickelson, and unanimously voted (5-0) to approve the FY 2015 Budget Request.

(4) Endorsement of Approval Not Required (ANR) Plan

Bettencourt Slocum Road (Map 154/Lot29) November 19, 2013

The Planning Director explained that this ANR is for land located on Slocum Road opposite the Memorial Stadium. It divides a lot with an existing dwelling into two lots. Both lots will not have the minimum frontage or area as required by the zoning bylaws. The frontage for the existing lot is 140 feet, which is non-conforming. The non-conforming frontage of the lot with the house will remain the same. The owner will be filing for a variance to allow the separation of lots and building thereon. The new lot has been labeled non-buildable.

Brief discussion ensued. The Board was concerned that endorsing the ANR plan may imply that the Board is supportive of the variance request, which is not the case. The Board will send a letter to the Board of Appeals to clarify.

A motion was made by John Sousa, duly seconded by Stanley Mickelson, and was voted (4 yes; 1 no) to endorse the above-referenced ANR plan. Joseph Toomey opposed this endorsement.



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Public Hearing

(7) 7:30 P.M. Public Hearing - Definitive (OSRD) Subdivision Plan entitled "Folly Farm"

Present: Peter C. Bullard, Esq. – Representing Elizabeth Atkins
Richard Rheume, P.E. – Prime Engineering
Planning Board Alternate Member Gus Raposo, P.E.

Planning Board member Joseph Toomey recused himself from this public hearing, stating that he is a direct abutter to the subject property. Alternate Planning Board member Gus Raposo replaced Joseph Toomey.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and unanimously voted (5-0) to recess the Planning Board's regular meeting at 7:30 p.m. in order to go into a public hearing¹ for the subdivision plan entitled "Folly Farm", which proposes to create a four lot subdivision with two open space parcels from a 56 acre tract of land located on the north side of Little River Road.

Roll call vote:

Stanley Mickelson-Yes; John Sousa-Yes; Lorri-Ann Miller-Yes; Gus Raposo-Yes;
Joel Avila-Yes

The regular meeting resumed at 9:25 p.m.

Initial review of Definitive (OSRD) Subdivision Plan entitled "Folly Farm"

Following the close of this evening's public hearing, the Planning Director recommended the Planning Board approve the Special Permit for the subdivision entitled "Folly Farm" in accordance with the draft certificate, amended to include the additional conditions identified during the public hearing.

A motion was made by Lorri-Ann Miller, duly seconded by alternate Board member Gus Raposo, and unanimously voted for discussion (5-0) to approve the Special Permit as amended at the public hearing for the Definitive (OSRD) Subdivision Plan entitled "Folly Farm" for property located on the north side of Little River Road, east of Little River. The plan consisting of 2 sheets was prepared by for Elizabeth Atkins, c/o Peter Bullard, Esq., 115 Orchard Street, New Bedford, MA by Allen D. Quintin and was submitted to the Planning Board office on January 2, 2014.

Discussion ensued regarding the open space requirements and whether or not requirements should be included in the Special Permit.

¹ For more information, see minutes of Planning Board's Public Hearing dated February 10, 2014 and entitled Definitive (OSRD) "Folly Farm"



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The Planning Director explained that any issues could be included in the conservation restriction (passive recreation use, no buildings or structures except for agricultural use, and the consideration for no hunting) and that the conservation restriction would need Planning Board approval prior to final endorsement.

Concluding, the Board determined that a "no hunting" requirement should be determined by Mrs. Atkins and not the Board, but the requirements for passive recreation, and no buildings or structures except for agricultural use would be part of the open space restriction.

At this time, the Board voted on the Special Permit approval as amended.

Roll Call Vote

Stanley Mickelson-Yes; John Sousa-Yes; Lorri-Ann Miller-Yes; Gus Raposo-Yes;
Joel Avila-Yes

The approved Definitive (OSRD) Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Folly Farm Subdivision Plan	1 of 2	November 11, 2009
Folly Farm Subdivision Plan	2 of 2	November 11, 2009

The Planning Director recommended the Planning Board approve the Definitive (OSRD) Subdivision entitled "Folly Farm" in accordance with the draft certificate, amended to include the additional conditions identified during the public hearing.

A motion was made by Lorri-Ann Miller, duly seconded by Gus Raposo, and unanimously voted (5-0) to approve the above-referenced subdivision plan as amended for "Folly Farm".

Appointment

(8) Appointment – Steve Gioiosa, P.E. – SITEC, Inc.

RE: Preliminary Review of Big Value Outlet Retail Center Parking Plan
Modification

Also Present: Ira Tatelbaum, Owner – Big Value Outlet Plaza
Robert Feingold, Esq. – Representing BayCoast Bank
Robert Shaker, Project Manager – BayCoast Bank

Steve Gioiosa gave an overview of the submitted conceptual layout plan and parking facility upgrades, noting that BayCoast Bank and Mr. Tatelbaum have an



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agreement to include BayCoast Bank in the Big Value Outlet Plaza. A preliminary bank rendering was shown at this time. Mr. Gioiosa reviewed an aerial photo showing existing parking conditions and reviewed the preliminary schematic, which included the construction of the bank with parking and an ATM drive-through. Mr. Gioiosa stated that the plan broke up the parking field and improved public safety by creating a main entryway and additional landscaping. He proceeded to review the locations of sidewalks, the interconnection with the Papa Gino's plaza, and traffic circulation as shown on the conceptual layout.

The Board offered some suggestions to this preliminary parking plan, which included addressing drainage concerns, showing a dumpster pad and any outdoor display areas, including outdoor display area signage.

The general consensus of the Board was that the proposed parking plan modifications were an enhancement to the area.

This appointment concluded at 9:55 p.m.

(9) Appointment – Al Amaral

RE: Preliminary Review of Retail Parking Plan for 710 State Road

Mr. Amaral was not present.

The Board briefly discussed the submitted preliminary plan and determined that the proposed lot coverage would be an issue since the subject property is located in the Aquifer Protection District.

The Board felt that overall the proposed layout complied with the parking requirements of Section 16, but suggested that pedestrian access via sidewalks from the front of the building to Maine Avenue, Illinois Avenue, and State Road should be provided.

A letter will be sent to Mr. Amaral with the Board's suggestions and will also indicate that the Planning Board would send a letter of opposition to the Board of Appeals if Mr. Amaral applied for a lot coverage variance.

(10) Appointment – Robert Shaker, President – Pace Project Management, Inc.

RE: BayCoast Bank Signs - 299 State Road

Mr. Shaker reviewed the submitted revised sign plan in detail with the Board, noting that the bank facilities group met to review and simplify the signage.



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Reduced Signage:

Traffic Signs	From: 17 signs	To: 9 signs
Directional Signs	From: 9 signs	To: 6 signs

Proposed Logos (Dec. '13 plan) 9 signs with bank logo
Requested Logos (Jan. '14 plan) 3 signs with bank logo

The Planning Director agreed there has been a significant reduction in signage, but after reviewing the plans more closely and after a call from a resident, offered the following comments:

1. The 6A.2 sign at the entrance of Old Westport Road should be a simple enter sign (6A.1). This area is so busy with traffic; drivers should not be reading distracting details.
2. The stop signs (R1.1) after leaving the drive thru area at the crosswalk are unnecessary.
3. A resident (Miss Stebbins) pointed out that the two double-sided, one-way signs at the front of the building should be blacked out on the State Road side, since drivers from Faunce Corner Road heading south to State Road and taking a right on State Road west could be confused and enter at the east bound lanes of State Road.

John Sousa commented that directional signs should not have bank logos on them. Board discussion ensued.

Concluding, the Board offered the following amendments to the submitted sign plan:

Allowed BayCoast Logo Signs

1. State Road entrance sign with logo
2. Old Westport Road entrance sign with logo

Eliminate two stop signs as suggested by the Planning Director.

Blacken out the two double-sided, one-way signs at the front of the building.

A motion was made by Lorri-Ann Miller to approve the sign plan as amended, duly by Stanley Mickelson, and voted (4-1) - with John Sousa opposed.

This appointment concluded at 10:25 p.m.



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(12) Review of Draft Zoning Articles for Spring Town Meeting

Amendment to 11.503 – Sign Bylaw

(Multi-business building(s) located within 100 feet of street line)

Exemptions from Setback Requirements

(Building elements exempt from setback requirements)

Amend Section 5.404 – Setbacks

(Delete 30 feet and replace with 20 feet from street line for buildings or structures in existence prior to October 26, 1993)

Amendment to Parking and Driveway Bylaw

(Two curb cuts on lots with frontage of 100 feet or less)

Registered Marijuana Dispensaries (RMD) by Special Permit

(Only in Office Industrial and General Industrial Districts)

Use Variance Amendment

(Prohibit grant of Use Variances in residentially zoned districts)

The Planning Director stated that most of the draft zoning articles have been finalized, with the exception of the Marijuana Bylaw by Special Permit. He proceeded to review the changes with the Board as suggested by Town Counsel's Associate, Attorney Brian Cruise. Brief Board discussion ensued with more changes suggested by the Board. The Planning Director will forward the changes to Attorney Brian Cruise for final review and comment.

The Board announced that the public hearing will be held on April 7, 2014 for the proposed draft zoning articles.

The Planning Director also mentioned that there will be an article proposing to amend the development standards for the Single Residence C District (Lincoln Park Overlay District) by Citizen Petition.

(13) For Your Information/New Business

Planner's Report

AT&T Cell Tower Location/Search

The Planning Director noted that AT&T is looking to locate a tower in South Dartmouth.

Open Space & Recreation Plan Meeting Update

The meeting discussed trying to create connectivity and access to open spaces

Deborah Wender will be meeting with the Planning Board to discuss high density and compact neighborhoods.



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New Business

The Board encouraged Mr. Perry's attendance to the next Citizen Planner Training Collaborative annual conference to be held on March 15, 2014. Mr. Perry stated that Jane Kirby, Planning Aide, will attend this conference.

The Board received a letter from John Haran, Finance Committee member, regarding the creation of an Assistant Economic Development position as an FYI. The Board determined that this is not a Planning Board topic and should not be discussed as a Board.

Chairman Avila noted that the next Planning Board meeting has been scheduled for February 24, 2014, in Room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:47 p.m.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board

J. Kirby 2/10/14



MINUTES OF PLANNING BOARD PUBLIC HEARING
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Definitive (OSRD) Subdivision Plan entitled "Folly Farm"
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Town Office Building, 400 Slocum Road, Dartmouth, MA

Planning Board Members

Mr. Joel Avila, Chairman
Mr. Gus Raposo (Alternate Planning Board Member)
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Stanley M. Mickelson

Planning Staff

Mr. Donald A. Perry, Planning Director
Ms. Jane Kirby, Planning Aide

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The Chairman opened at 7:45 p.m. the public hearing¹ concerning a Definitive (OSRD) Subdivision Plan entitled "Folly Farm" which proposed to create a four lot subdivision with two open space parcels from a 56 acre tract of land located on the north side of Little River Road. Access to the lots will be from a common driveway to be located west of Hill Meadow Cemetery. The plan was prepared by Allen D. Quintin for Elizabeth Atkins for land owned by the same and shown on Assessor's Map 15 as lots 6 and 13. The applicant is seeking a Special Permit for an Open Space Residential Design, as provided for in Section 6 of the Zoning Bylaws, to allow waivers regarding frontage, area, upland area, setbacks, and lot coverage.

All Planning Board members and Planning staff were present. Planning Board member Joseph Toomey recused himself because he is a direct abutter to the subject property.

Also Present: Peter Bullard, Esq. – Representing Elizabeth Atkins
Richard Rheume, P.E. – Prime Engineering

Abutters: Kathryn Ryan, 332 Franklin Street
Sue Comeau, 188 Little River Road
Bob and Leslie Bernert, 145 Little River Road
Joseph Toomey, 837 Tradewind Street
Suzanne Maguire, part owner of lot 9

Lorri-Ann Miller motioned to waive the reading of the legal notice into the record, which was duly seconded by John Sousa, and unanimously voted (5-0).

The Planning Director stated that the Form C was time-stamped in the Town Clerk's office on January 2, 2014, along with the Subdivision application and the Special Permit application. He noted that the applicant/owner is listed as Elizabeth Atkins.

¹ For more information, see minutes of the Planning Board's regular meeting of February 10, 2014



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Mr. Perry proceeded to read the following into the record:

- Letter from Wendy Henderson, Director of Public Health, dated February 4, 2014
- Letter from Fire Chief John H. Judson, Dartmouth Fire District No. 1
- Narrative of proposed Open Space Residential Development (OSRD) at 99 Little River Road, Dartmouth, Massachusetts with Appendix A, B, and C

Attorney Peter Bullard reviewed the proposal for the Board, noting that 13 lots could be constructed by-right, and that there are two existing homes on the subject property. This proposal would create two additional buildable lots, with the real objective being to preserve the open space. At this time, there is no intent to develop the two lots but she is preserving options for the future. Attorney Bullard also explained that the cemetery and the stone walls will all be preserved.

The Chairman asked for public comment.

Abutter concern: Size of the new home should be restricted

Attorney Bullard responded by noting that any new home would need to meet Town standards, including Board of Health approval for total bedrooms/septic and well.

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

One Board member questioned the boundary transition into open space. Richard Rheume, P.E. noted that no fencing or additional stonewalls are proposed, but carbonite markers would be placed to show where the conservation land exists. He proceeded to show the areas between the delineated lots and open space.

One Board member addressed the abutter concern, noting that a conventional subdivision could result in 12 or 13 new homes without size restrictions. The Board noted that as proposed, only 2 new homes would be constructed.

The open space parcel was discussed. The passive recreational use was questioned, with a member wondering if walking trails would be made available. Attorney Bullard stated that his client is working with the DNRT, which has 10 abutting acres, but nothing has been finalized at this point. Another Board member reminded Attorney Bullard that language allowing for a shed on the agricultural parcel should be included.

A Board member wanted to ensure that landowners know that open space exists behind the stone walls that define their property lines, and questioned how that would be



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handled. Richard Rheume stated that any time there is a question about a property abutting the open space; placards notifying them would be placed.

All Board members expressed support of the subdivision plan as submitted, commending the owner for choosing to preserve open space rather than a conventional subdivision, especially since the open space will abut 10 acres of DNRT property.

The Chairman asked for more public comment at this time.

Abutter concern: A conventional subdivision has not been verified as having the ability to obtain 13 buildable lots

Will swimming pools or tennis courts be allowed on the open space parcels?

Access and parking to the open space parcels has not been addressed

Hunting as an allowed use for the open space would be detrimental to the neighborhood

Hunting serves a valuable purpose and there are rules to protect neighborhoods

The Planning Director explained that the conceptual build out plan was submitted and viewed as reasonable in terms of the geometrics and road alignment, but the actual total of lots created could not be known until soils are tested. However, it is very likely that at least two new lots could be created on the 56 acre tract of land.

Richard Rheume explained that there is adequate frontage and adequate lot area, and the soil map showed useful soils for septic systems. He assured the Board that it is clear that 13 conventional lots could be created. He also explained that the uses for the open space parcels would be determined by Mrs. Atkins, through deed restrictions and State conservation restriction guidelines.

Mr. Perry explained that the bylaw allows for pools and tennis courts, but the applicant can decide not to take advantage of the bylaw allowances.

Richard Rheume noted that there is adequate access to the open space parcels, and the DNRT typically requests four parking spaces to accommodate their trails, but Mrs. Atkins would make the decision as to whether parking would be allowed.

Attorney Bullard stated that he would ask his client to exclude hunting as a recreational



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use for the open space parcels. He further explained that enforcing the "no hunting" use would be a police matter.

The Chairman asked if anyone else wished to speak. No further comment was received.

The Planning Director listed some Special Permit conditions for Board consideration. Board discussion ensued, with the following conditions approved if this Special Permit is granted:

1. The Planning Board grants the Special Permit for an Open Space Residential Development in substantial conformance with the following plans:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Folly Farm Subdivision Plan	1 of 2	November 11, 2009
Folly Farm Subdivision Plan	1 of 2	November 11, 2009

2. The Planning Board grants the Special Permit in conformance with the Certificate of Action for a Definitive (OSRD) Subdivision Plan dated February 11, 2014 for "Folly Farm".
3. The Special Permit is only approved for four (4) buildable lots.
4. A Trust Document satisfying the requirements of Section 6.801 and 6.802 of the Dartmouth Zoning By-Laws shall be approved by the Planning Board prior to endorsement of the subdivision plan.
5. In accordance with Section 6.802, a conservation restriction, meeting the requirements of Section 6.802, shall be approved prior to endorsement of the subdivision plan. The conservation restriction shall provide for passive recreational use of the open space with no structures located in the open space, except for structures needed for the agricultural use of the property.
6. The subdivision plan shall have the following modifications:
 - a. Sheet 1 of the subdivision plan shall add the following note:
"see additional notes on sheet 2"
 - b. The note regarding the Performance Covenant shall be changed by deleting the words "Performance Covenant" and inserting "Special Permit".
 - c. The reduced dimensional requirements shall be shown on the plan



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regarding lot area, lot shape, lot frontage, building setbacks, percentage of lot coverage, and driveway and parking setbacks.

- d. Open space boundary markers shall be shown on the plan defining the easterly and southerly property lines of lot 4.
 - e. Stonewalls on the property shall not be removed, but maintained, except that openings for driveways (not to exceed 20 feet) to lots, openings for trails (not to exceed 8 feet) and an opening for the proposed easement revision shown on the northeast corner of sheet one.
7. The OSRD Trust Document shall include provisions for maintenance of the common driveway and open space boundary markers.
 8. The Open Space Trust Document, as well as the Subdivision Plan, and any covenants and restrictions associated with the Subdivision Plan, shall be duly executed and recorded at the Bristol County (S.D.) Registry of Deeds.

The Planning Director now listed subdivision conditions for Board consideration. Board discussion ensued.

The conditions of approval are listed below:

1. This Definitive Plan is subject to an Open Space Residential Design Special Permit dated February 11, 2014.
2. A note shall be placed on the plan indicating that no building shall be placed on lots 1 or 2 without prior written consent of the Board of Health.
3. The Director of Inspectional Services shall not issue building permits for lots 1, 2, 3, and 4 until a letter of release is signed by the Planning Board and delivered to the Building Department. The letter of release will not be signed until completion of plan modifications in this certificate, as well as plan modifications listed in the Special Permit certificate, recording of the Subdivision Plan, recording of the Special Permit and Trust Document, completion of the Open Space restriction and installation of the open space boundary markers.
4. The applicant shall demonstrate to the Board of Health that the existing septic systems for each existing dwelling are located on the lots to be created, and that a well could be constructed on lot 3 in compliance with current regulations. The Board of Health shall notify the Building



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The Chairman asked for final comments.

Attorney Bullard thanked the Board and Mr. Perry for their time.

John Sousa commended Mrs. Atkins' decision to choose an Open Space Residential Design with 50 acres of land dedicated as open space (more than 80% of her property).

Chairman Avila asked for a motion to close the public hearing.

A motion was made by Stanley Mickelson, duly seconded by Gus Raposo, and unanimously voted to close the public hearing at 9:10 p.m. and resume the regular meeting of the Planning Board.

Roll call vote:

Stanley Mickelson-Yes; John Sousa-Yes; Lorri-Ann Miller-Yes; Gus Raposo-Yes;
Joel Avila-Yes.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board

Joel 3/10/14

