



**MINUTES OF REGULAR PLANNING BOARD MEETING
MARCH 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

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DARTMOUTH TOWN CLERK

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

Administrative Items

(1) Approval of Minutes

Regular Meeting of February 10, 2014
Public Hearing of February 10, 2014 for
Definitive (OSRD) Subdivision Plan for "Folly Farm"
Regular Meeting of February 24, 2014

A motion was made by Stanley Mickelson, duly seconded by Lorri-Ann Miller for discussion, and voted (4-Yes; 1-Absent) to approve the regular Planning Board meeting of February 10, 2014 as amended, Public Hearing of February 10, 2014 as amended, and regular meeting of February 24, 2014.

(2) Invoices

Postmaster - \$250.00
CPTC - \$60.00

A motion was made by Lorri-Ann Miller, duly seconded by Stanley Mickelson for discussion, and voted (4-Yes; 1-Absent) to approve the above-referenced invoices.

(3) Correspondence

Legal Notices from Dartmouth Board of Appeals
Legal Notices from Dartmouth Conservation Commission
Legal Notices from City of Fall River

A motion was made by Joseph Toomey, duly seconded by Stanley Mickelson for discussion, and voted (4-Yes; 1-Absent) to acknowledge and file the above-referenced correspondence.



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

Reis

Hixville Road

January 24, 2014

The Planning Director explained that this ANR plan is for property located on the east side of Hixville Road just north of I-195. It creates a small, non-buildable parcel to be used for a private cemetery. The lot from which the parcel will be taken maintains far in excess of the minimum frontage requirements for property located in this Limited Industrial District.

A motion was made by Stanley Mickelson, duly seconded by Lorri-Ann Miller, and voted (4-Yes; 1-Absent) to endorse the above-referenced ANR plan.

(5) Appointment – Christopher Saunders, Esq.

RE: Acadia Behavioral Care Center/Owner: PRC1, Inc.
581 Faunce Corner Road

The Planning Director explained that a parking plan has been submitted for a Behavioral Health Care Center on Faunce Corner Road just north of Hawthorn Medical at the old City View Golf. The plan proposes to construct an 87,000 square foot building with 144 beds and 155 parking spaces. Section 16 requires 435 parking spaces for this proposal. Mr. Perry stated that the applicant does not feel the 435 parking spaces are needed and is seeking a variance to allow a reduction in the number of parking spaces with the Board of Appeals.

Mr. Perry also noted that the deadline for action on the submitted parking plan is March 25, 2014, but the applicant will be requesting a time extension for action so a revised plan can be submitted and received. He concluded by saying that this meeting is being held to give the applicant guidance from the Planning Board regarding the reduced parking, the parking layout, and access to Faunce Corner Road.

At this time, Chairman Avila asked Attorney Saunders to address the Board.

Attorney Saunders illustrated a need for this type of facility in the area, and reviewed the details of the proposed Behavioral Health Care Facility with the Board.

- 144 bed maximum
- Strictly inpatient
- 3 shifts for employees
 - 95 employee maximum for busiest shift
- No high-volume traffic
- Lockdown building



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- Patients will not have vehicles
- No visitors allowed
- Only doctor-controlled, scheduled patient visitation
- Not a house of correction
- Secure facility
- Steel and concrete building/standard lighting
- 1 staff per 3 patients in recreation yard
- Parking spaces only needed for business related parking or patient drop off

Attorney Saunders proceeded to submit a revised plan, increasing the parking spaces from 155 to 218 to address abutter concern. Attorney Saunders explained that Hawthorn Medical had expressed opposition to the reduction in parking at the Zoning Board of Appeals meeting, which was continued.

Attorney Saunders, addressing comments from Town Reviewer's, stated that the recommended parking lot connection to the Hawthorn Medical facility was problematic for his client and asked that this recommendation be removed.

Board discussion ensued. Chairman Avila asked for a consensus vote on whether or not a connection should be made between the two parking lots.

Lorri-Ann Miller – Connection not needed
Stanley Mickelson – Connection not needed
Joseph Toomey – Connection needed, in case of an emergency
Chairman Avila – Connection not needed
John Sousa – Absent

The Planning Director recommended a sidewalk installation be provided along the frontage of Faunce Corner Road at the property line, and setback from the road by a grass strip.

Board discussion ensued in terms of the DPW potentially widening Faunce Corner Road and destroying a new sidewalk. The Planning Director noted a temporary sidewalk could be provided. Chairman Avila asked for a consensus vote on the temporary sidewalk.

Joseph Toomey – Yes
Lorri-Ann Miller – Yes
Stanley Mickelson – Yes
Chairman Avila – Yes
John Sousa – Absent



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Concluding, Attorney Saunders thanked the Board for its input and requested a time-extension for action on the parking plan. The Planning Director advised that a written letter agreeing to extend the time limit for action by the Planning Board must be received.

Lorri-Ann Miller motioned to approve an extension on the timeline for action for the parking plan, which was seconded by Joseph Toomey, and voted (4-Yes; 1-Absent) to extend the timeline for action to April 30, 2014. Attorney Saunders will forward a written request to the Planning Office.

8:15 p.m. Appointment ended

**(6) Public Hearing for Definitive (OSRD) Subdivision Plan entitled
"Prospect Hill Preserve"**

Present: Steve Gioiosa, P.E. - SITEC, Inc.
Lee Castignetti, Esq. – Representing Long Built Homes
Gus Raposo, P.E. – Planning Board Alternate Member

Absent: John Sousa, Planning Board Member

Chairman Avila asked for a motion to recess the Board's regular meeting in order to open the public hearing for a Definitive (OSRD) Subdivision Plan entitled "Prospect Hill Preserve".

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and voted (4-Yes; 1-Absent) to recess the Planning Board's regular meeting at 8:15 p.m. in order to go into a public hearing¹ for the subdivision plan entitled "Prospect Hill Preserve", which proposes to create 6 buildable lots and one 18 acre open space parcel from a 24 acre tract of land.

The regular meeting resumed at 10:05 p.m.

**(7) Initial Review of Definitive (OSRD) Subdivision Plan entitled
"Prospect Hill Preserve"**

Present: Steve Gioiosa, P.E. - SITEC, Inc.
Lee Castignetti, Esq. – Representing Long Built Homes
Gus Raposo, P.E. – Planning Board Alternate Member

¹ For more information, see minutes of Planning Board's Public Hearing dated March 10, 2014 and entitled Definitive (OSRD) "Prospect Hill Preserve"



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

Alternate Planning Board Member Gus Raposo recused himself from participating and voting on this topic because he was the Town's drainage consultant for this proposed subdivision.

A motion was made by Lorri-Ann Miller, duly seconded by Stanley Mickelson, and voted to approve the Certificate of Action for the Special Permit as amended at the public hearing for the Definitive (OSRD) Subdivision Plan entitled "Prospect Hill Preserve" for property located on the south side of Old Fall River Road just west of Hixville Village. The property is owned by Paul & Patricia Lavallee, Trustees of the Lavallee Real Estate Holding Trust. (Assessor's Map 65, Lots 26 & 27). The plan, consisting of two sheets, was prepared for Long Built Homes by SITEC, Inc. 449 Faunce Corner Road, Dartmouth, MA and submitted to the Planning Board office on February 4, 2014.

The Board determined that the layout for the subdivision was excellent, with less impervious coverage, and decreased drainage concerns.

Roll Call Vote

Stanley Mickelson-Yes; Lorri-Ann Miller-Yes; Joseph Toomey-Yes; Joel Avila-Yes;
Gus Raposo-Recused

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

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

<u>Title</u>	<u>Sheet</u>	<u>Dated</u>
Subdivision Plan of Prospect Hill Preserve	-	December 16, 2013
Common Driveway Plan	SP-1	December 16, 2013

A motion was made by Lorri-Ann Miller, and duly seconded by Joseph Toomey, to approve the above-referenced subdivision plan as amended for "Prospect Hill Preserve".

Roll Call Vote

Stanley Mickelson-Yes; Lorri-Ann Miller-Yes; Joseph Toomey-Yes; Joel Avila-Yes;
Gus Raposo-Recused



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10:15 p.m. Board recessed

10:18 p.m. Regular meeting resumed

Administrative

(8) Discussion: Potential Structural Government Changes

The Board discussed the Select Board's Non-Binding Ballot Question 1, which will be presented to voters at the April 1, 2014 election. It was noted that the question is ambiguous and vague. One Board member stated that the Select Board had a power point presentation at its 3/10/14 meeting illustrating a "Ten Point Plan", which was supposed to clarify the Select Board's position on why the existing Town government needed to be restructured.

The Planning Board will request a copy of the Ten Point Plan and resume this discussion at another meeting.

(9) Review Draft Zoning Article

RE: Rezoning a portion of Crapo Hill Landfill

Chairman Avila requested that this item was withdrawn to allow time for more research on this topic. The Board agreed, and this item was withdrawn and not discussed.

(10) For Your Information/New Business

Planning Board Meeting Schedule Revised to:

Planning Board's Meeting Schedule thru June 2014
Planning Board Meeting Room #314

Monday, March 10, 2014 Regular Meeting/Long Range Planning

Monday, March 17, 2014 NONE

Monday, March 24, 2014 Regular Meeting/Long Range Planning

Monday, March 31, 2014 Regular Meeting/Public Hearing (Zoning Articles)

Monday, April 7, 2014 NONE



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Monday, April 14, 2014	Regular Meeting/Long Range Planning
Monday, April 21, 2014	NONE (Patriot's Day)
Monday, April 28, 2014	NONE
Monday, May 5, 2014	Regular Meeting/Long Range Planning
Monday, May 12, 2014	NONE
Monday, May 19, 2014	Regular Meeting/Long Range Planning
Monday, May 26, 2014	NONE (Memorial Day)
Monday, June 2, 2014	Regular Meeting/Long Range Planning
Tuesday, June 3, 2014	Spring Annual Town Meeting
Monday, June 9, 2014	NONE
Monday, June 16, 2014	Regular Meeting/Long Range Planning
Monday, June 23, 2014	NONE
Monday, June 30, 2014	Regular Meeting/Long Range Planning

Planner's Report

Bike Committee Meeting

The Planning Director attended this meeting, which discussed ways in which better pedestrian and bicycle access can be obtained through subdivision and parking plan approvals. The Bike Committee will meet with the Planning Board in the future to discuss bike rack standards and pedestrian access signs.

Lucardi Farm

The Planning Director reminded the Board that an ANR for this property was approved, but there was a concern regarding creating open space along the Shingle Island River. The Planning Board made a recommendation that the



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Town exercise its right to purchase the land (Chapter 61A). An OSRD subdivision would be encouraged if the Select Board does not vote to purchase the property in an effort to protect the river.

New Business

Brief discussion ensued regarding logos on directional signs in Town, and the need for consistency with all future approvals.

Subcommittee Reports

Stanley Mickelson, Plan Approval Authority, Lincoln Park Project

Reported that the developer is proposing to construct a 46 unit age-restricted apartment unit.


Joseph Toomey, Soil Board

Stated that he attended the Board of Health meeting which discussed the toxicity of Com97 soils, and the Board of Health will develop regulations.

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

A motion was made by Stanley Mickelson, duly seconded by Lorri-Ann Miller, and voted (4-Yes; 1-Absent) to adjourn this evening's regular meeting at 10:50 p.m.

APPROVED BY:
The Dartmouth Planning Board

 3/24/14

Respectfully submitted,
Jane Kirby
Planning Aide



MINUTES OF PLANNING BOARD PUBLIC HEARING

March 10, 2014

Definitive (OSRD) Subdivision Plan entitled "Prospect Hill Preserve"

Meeting Room #315

Town Office Building, 400 Slocum Road, Dartmouth, MA

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Planning Board Members

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

Planning Staff

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

The Chairman opened at 8:15 p.m. the public hearing¹ concerning a Definitive (OSRD) Subdivision Plan entitled "Prospect Hill Preserve" which proposed to create a 6 lot subdivision and one 18 acre open space parcel from a 24 acre tract of land. Access to the lots will be by a paved 18 foot wide common driveway. The plan was prepared by SITEC, Inc. for applicant Long Built Homes, Inc. The subject property is located on the south side of Old Fall River Road just west of Hixville Village (Assessor's Map 65, Lots 26 & 27) and owned by Paul & Patricia Lavallee, Trustees of the Lavallee Real Estate Holding Trust. 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 lot frontage, lot area, lot shape, building setbacks, lot coverage, and driveway and parking requirements.

Planning Board member John Sousa was absent. The remaining Planning Board members, Alternate Board member, and Planning Staff were present.

Also Present: Steve Gioiosa, P.E., SITEC, Inc.
Lee Castignetti, Esq., Representing Long Built Homes, Inc.

Abutters: Richard Robert Ratner, Jr., 986 Old Fall River Road
Glenys Wolcott, 971 Old Fall River Road
George Maltais, 922 Old Fall River Road

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

The Planning Director stated that the Form C was time-stamped in the Town Clerk's office on February 4, 2014, along with the Subdivision application and the Special Permit application. He noted that the applicant/owner is listed as Long Built Homes.

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



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

- Description of Prospect Hill Preserve dated January 29, 2014
 - Introduction
 - Site Description
 - Requested Zoning Waivers

Chairman Avila asked the applicant or its representative to speak at this time.

Steve Gioiosa, P.E. reviewed the proposed OSRD subdivision plan in detail for the Board.

- Proposing 6 lots – conventional subdivision 9 lots
- Not maximizing density or overbuilding
- Less invasive to neighborhood
- Minimizing environmental impact
- Roof recharge for all new homes
- Driveway drainage includes grass swales and check dams
- Avoiding wetland system
- Preserving existing stonewalls
- Minimizing impervious area
- 28,000 – 64,000 s.f. lots
- Not creating subdivision road, access through common driveway
- Lot 6 has a separate entrance
- 18 acres of open space land abutting Gendreau Estates and Songbird (open space) creating 182 acres of contiguous open space

Mr. Gioiosa explained that the wetland and upland lines shown on the submitted site plans were approved by the Conservations Commission, and the proposal was reviewed by a drainage consultant (submitted letter dated signed by Gus O. Raposo, P.E. to Michael O'Reilly, Environmental Affairs Coordinator dated February 24, 2014).

Brief discussion ensued in terms of Gus Raposo's presence at this public hearing as an Alternate Planning Board Member. Mr. Raposo recused himself from participating and voting on this Special Permit request.

At this time, Chairman Avila asked for public comment.

Abutter concerns: Drainage issues
 Proposed subdivision will direct water to abutting properties
 Height of land elevation for proposed construction

Mr. Gioiosa explained that water will not be directed onto surrounded properties, since the water will be intercepted at the driveway by the grass swale, and the new homes will have



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roof recharge systems. He noted that the applicant is not looking for Title V waivers and that new septic systems will have to be in full compliance with Board of Health regulations. A building permit cannot be obtained unless performance standards are met.

Mr. Gioiosa proceeded to review the schematic reading of the site plan, which showed land elevation at approximately 4 or 5 feet in one location, but noted that each lot varies slightly.

Mr. Gioiosa further explained that the berm and swale along the driveway will act as a retaining wall, intercepting water and carrying it away from abutting properties.

Chairman Avila asked for Board questions and comments at this time.

The Board noted that the applicant is prohibited from adding water flow to abutting properties.

Other topics discussed:

- Stonewall preservation
 - Except for driveway openings, and on proposed Lot 2
- Add note to plan to preserve stone walls
- Evergreen tree plantings could be added to lessen abutter impact
- Surety requirement for driveway construction
- Road width
- Preserving the right to allow 4 parking spaces for open space parcels

The consensus of the Board was that the applicant would not need to post monetary surety for the common driveway.

The Planning Director to read the Special Permit conditions for discussion.

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>
Subdivision Plan of Prospect Hill Preser	-	December 16, 2013
Common Driveway Plan	SP-1	December 16, 2013

2. The Planning Board grants the Special Permit in conformance with the Certificate of Action for a Definitive (OSRD) Subdivision Plan dated March 12, 2014 for "Prospect Hill Preserve".



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3. The Special Permit is only approved for 6 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. Stonewalls shown on the plan shall be maintained, except those shown to be removed for the common driveway and in the interior of Lot 2. This condition shall also be added as a note on the plan.
6. The OSRD Trust Document shall include provisions for maintenance of the common driveway.
7. 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.
8. The Conservation Restriction shall provide for passive recreational use of the open space, with no structures located in the open space. A parking area not to exceed 4 spaces may be allowed in the open space north of Lot 1 for parking access to the open space if any public access is allowed in the future.

The above-referenced conditions were amended at this public hearing after Board discussion, and reflect the Board's proposed final condition language for the Special Permit.

The Planning Director read the conditions for the Certificate of Action for this Definitive Subdivision Plan for discussion.

1. This Definitive Plan is subject to an Open Space Residential Design Special Permit dated March 12, 2014.
2. A farmer's type stonewall will be constructed along the north and west boundaries of Lot 1 to define the open space boundary between Lot 1 and the open space.
3. The stonewall removed from the lane easement southeast of Lot 3 shall be reconstructed along the 47 foot southeast boundary of Lot 3, and an upright stone provided at its ending in accordance with Section 3.315.
4. An upright stone shall be provided on one side of the lane where the lane breaks through the stone wall at Lot 1, Lot 1/Lot 2, and Lot 2/Lot 3.



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5. The street trees shown on Lots 1, 2, and 3 shall be moved into the r-o-w. The tree types need to be specified on the plan as alternating Platanus Acerifolia and Ulmus Americana Valley Forge. Tree sizes shall be 2 ½ inch min. caliper when planted. Trees shall also be planted along Old Fall River Road along the front of Lot 6 and the open space parcel, spaced no further than 50 feet apart and along the west boundary of Lot 6. The tree locations shall be shown on the plans. White Pine spaced 20 feet apart shall be planted in a row in the open space parcel just north of the north boundary of Lot 1 and along the east boundary of Lot 28 Map 65 (Ratner property).
6. A subdivision name sign shall be provided at Old Fall River Road in the easement area.
7. Conditions 2 through 5 shall be noted or shown on the plan.

The above-referenced conditions were amended at this public hearing after Board discussion, and reflect the Board's proposed final condition language for the Certificate of Action for a Definite (OSRD) Subdivision Plan entitled "Prospect Hill Preserve".

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

A motion was made by Stanley Mickelson, duly seconded by Lorri-Ann Miller, and unanimously voted to close the public hearing at 10:05 p.m. and resume the regular meeting of the Planning Board.

Roll call vote:

Stanley Mickelson-Yes; Lorri-Ann Miller-Yes; Joseph Toomey-Yes; Joel Avila-Yes.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board

