



MINUTES OF REGULAR PLANNING BOARD MEETING
November 3, 2014
Planning Board's Meeting Room #315
Town Office Building, 400 Slocum Road, Dartmouth, MA

Planning Board

2014 NOV 21 PM 3 10

Mr. Joel Avila, Chairman
Mr. Joseph Toomey, Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Kevin A. Melo

DARTMOUTH TOWN CLERK

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.

Administrative Items

(1) Approval of Minutes

Regular Meeting of October 20, 2014

A motion was made by Joseph Toomey, duly seconded by Kevin Melo for discussion, and unanimously voted (5-0) to approve the regular Planning Board meeting minutes of

(2) Correspondence

Letter from Donald Perry, AICP – Planning Director
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 Lorri-Ann Miller, duly seconded by Joseph Toomey, and unanimously voted (5-0) to acknowledge and file the above-referenced correspondence. The letter from the Planning Director was held for discussion later this evening.

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

Faunce Corner Road JD Mob, LLC c/o Whelan Associates 10/15/2014

The Planning Director explained that this ANR is for property located on the west side of Faunce Corner Road (Faunce Corner Executive Park), just north of the Bristol County jail. The plan shows three lots and a number of parcels. Two lots have the frontage required by zoning. One lot (2B) is to be combined with two parcels (L and K) to have the required frontage. The proper notes regarding frontage for lot 2B are on the plan. The plan can be endorsed.



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A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to endorse this Faunce Corner Road ANR plan.

Endorsement of Approval Not Required (ANR) Plan

High Street

18 High Street Nominee Trust

10/2/2014

The Planning Director explained that this ANR is for property on the west side of High Street. It creates two lots, one with an existing house. One lot is proposed as an estate lot. The regular lot meets the frontage and area requirements for the General Residence District, and the Estate Lot meets the requirements of the zoning bylaws for an estate lot. The plan can be endorsed. The Board must also sign the Estate Lot Covenant.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to endorse this High Street ANR plan.

Appointment

- (4) 7:05 P.M. **John Williams, Esq.**
Joseph Delgado, Manager – Midway Realty, LLC
RE: The Village at Lincoln Park
Lot Release Request

Attorney Williams stated that the lots requested for release are on Ferris Wheel Drive, which is Phase 1B of the development project. The remaining work to complete both Phase 1A and Phase 2B per DPW is \$149,515.75, and an irrevocable letter of credit in the amount of \$150,000 has been posted as surety for the completion of the work.

The Planning Director stated that the letter of credit is good until June 6, 2015, and that past policy is to require work to be completed at least one month prior to surety expiration, which would be the beginning of May. The Planning Director recommended favorably regarding the lot release request, but suggested that a completion date of May 6, 2015 be given. If the work cannot be completed by that dated, an extension for the completion of the improvements and extension of the letter of credit will have to be done before April 2015.

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously voted (5-0) to approve staff's recommendation to allow the requested lot release, with all work completed for Phase 1A and Phase 1B to be completed by May 6, 2015.

7:10 P.M. Appointment ended.



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The next agenda item was taken out of order.

Administrative Items

(8) For Your Information/New Business

Planner's Report

Town Meeting

The Planning Director reported that all of the zoning articles were approved at Town Meeting.

Subdivision Regulations

The Planning Director contacted Town Counsel to remind him that the Planning Board needs his review on the street acceptance policy portion of the Subdivision Regulations updates. Also, the Subdivision Regulations should be amended to require the electronic filing of the Board's final approved subdivision plans and endorsed ANR plans to make updating the Town's GIS parcels quicker and easier.

Planning Board Discussion

RE: Letter from Donald Perry, AICP – Planning Director

Mr. Perry submitted his official notification to the Planning Board and the Town of Dartmouth that he will be retiring, and his last day of work as Planning Director will be Friday, January 2, 2015.

Chairman Avila had submitted a draft action plan for Planning Board discussion. Chairman Avila had reviewed the outlined timeline with David Cressman, Town Administrator, prior to this meeting if a Planner cannot be hired by the proposed timeline. Mr. Cressman suggested that the position could be contracted out on a temporary basis to fill the position until a permanent hire is found.

The Board agreed that the position should be advertised immediately, and authorized Chairman Avila to work with Mr. Cressman, the Personnel Director, and Mr. Perry to draft language soliciting candidates for the position, and to place an ad as soon as possible in the local newspaper, the Beacon, websites, etc.

Noting the time, Chairman Avila stated that the Board will need to resume this discussion later this evening due to the scheduled public hearing.



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**(5) 7:30 P.M. Public Hearing
Definitive OSRD Subdivision entitled "Sagamore Estates"**

7:29 P.M. At this time, Chairman Avila asked for a motion to recess the regular meeting in order to open the public hearing scheduled for 7:30 p.m.

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 "Sagamore Estates", which proposes to create a four lot OSRD subdivision off Sagamore Drive, which is north of Russells Mills Road.

The public hearing was continued to December 15, 2014 at 7:30 p.m.

The Planning Board's regular meeting resumed at 8:56 p.m.

Administrative Item

(6) Action: OSRD Subdivision entitled "Sagamore Estates"

The public hearing was continued to December 15, 2014 at 7:30 p.m. Action deferred until December 15, 2014.

Appointment

**(7) 8:56 P.M. Matthew Antonio, Manager – Palmer River Development
RE: Clarendon Estates Subdivision**

Numerous homeowners from the Clarendon Estates subdivision were present.

The Planning Director explained that Mr. Antonio is requesting to release Lot 1 & Lot 2 from the Performance Covenant. At Mr. Antonio's request, the Planning Board had allowed building permits to be issued for the two lots, but conditioned so that full release would not be done until the road and subdivision improvements were completed. The Planning Office forwarded a request to the DPW to determine what remains to be done. Mr. Perry also reminded the Board that the letter of credit for this subdivision will expire on January 1, 2015.

¹ For more information, see minutes of Planning Board's Public Hearing dated November 3, 2014 and entitled "Definitive OSRD Subdivision - Sagamore Estates"



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Mr. Antonio argued that the lots could be released since the work to be done is far less than the monetary surety posted (\$268,005).

Brief discussion ensued. Concluding, the Board reminded Mr. Antonio that when the lots were released for building permits it was made clear that the Certificates of Occupancy would be withheld until the road and remaining subdivision improvements have been completed.

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to continue to hold Lots 1 & 2 of Clarendon Estates.

Mr. Antonio also wanted to discuss issues regarding the Home Owner's Association for the Clarendon Estates Subdivision. He proceeded to give a history of the development, noting that the original developer had completed up to Lot 6 on the right side of the road, but before the entire development was completed, the previous developer lost the property to foreclosure. Mr. Antonio purchased the property, and believed a Homeowner's Association was in place, but has recently discovered that the Homeowner's Association has lapsed as a result of the foreclosure. The Planning Board requires a Homeowner's Association to maintain the detention pond as part of the subdivision approval process.

Mr. Antonio proceeded to explain that he is trying to move forward with the application to have Clarendon Street accepted at Town Meeting, noting that part of the criteria for street acceptance includes a positive recommendation from the Planning Board. He met with the homeowners in the subdivision prior to this meeting to determine how to proceed, and the homeowners are not interested in forming a Homeowner's Association. Mr. Antonio felt that this issue has the potential to be problematic, and stressed that street acceptance would benefit the neighborhood. Mr. Antonio asked the Board for alternative options.

Discussion ensued in terms of how the original Homeowner's Association lapsed, and how it was only recently discovered. It was noted that the Trust Document has been in place since December 2008 (Form L).

Homeowners expressed concern with the fact that the developer never disclosed a Homeowner's Association requirement when they purchased their properties. The Board sympathized with the homeowners, but agreed that a Homeowner's Association will have to be in place in order to recommend favorably for street acceptance.

10:17 P.M. Appointment ended



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Continued Planning Board Discussion

RE: Letter from Donald Perry, AICP – Planning Director

The Board resumed the discussion in terms of an action plan for recruiting a new Town Planner/Planning Director since Mr. Perry has officially announced that he will be retiring on January 2, 2014. The Board discussed the details of the job search ad language, which included the deadline to submit applications, dates to review resumes, dates to conduct interviews, etc. The Board would like to offer the position to the finalist by December 16, 2014.


The Planning Board would like to meet with the Select Board to discuss the outlined action plan and the Town Planner/Planning Director position. The Planning Board and the Select Board will meet on November 17, 2014.

Concluding discussion, Chairman Avila called for a motion to adjourn.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:36 p.m.

The next Planning Board meeting is scheduled for November 17, 2014 in Room #315, Town Office Building, 400 Slocum Road.

APPROVED BY:
The Dartmouth Planning Board



Respectfully submitted,
Jane Kirby
Planning Aide