



MINUTES OF REGULAR PLANNING BOARD MEETING
December 15, 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. Kevin A. Melo

Planning Staff

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

The Chairman called the meeting to order at 6:30 p.m., with all Planning Board members and Planning Staff present.

Administrative Items

- (1) **Approval of Minutes**
Regular Meeting of December 1, 2014

A motion was made by Joseph Toomey, duly seconded by Kevin Melo for discussion, and unanimously voted (5-0) to approve the above-referenced minutes.

- (2) **Correspondence**
Legal Notices from Dartmouth Conservation Commission
Legal Notices from City of New Bedford
Legal Notices from City of Fall River
Legal Notices from Town of Freetown

A motion was made by Joseph Toomey, and duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to acknowledge and file the above-referenced correspondence.

- (3) **Endorsement of Approval Not Required (ANR) Plan**
Collins Corner Road December 1, 2014 Maurice Lemieux

This ANR is located on the north side of Collins Corner Road, and creates two lots. One lot has an existing house. Both lots meet the frontage and area requirements of the Single Residence B Zoning District.

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and unanimously (5-0) voted to endorse the above-referenced ANR plan.

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A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and unanimously voted to recess the Planning Board's regular meeting in Room #315 and reconvene in Room #304 for the joint meetings with the Select Board.

Appointment

- (4) 6:40 P.M. Joint Meeting with the Select Board in Room #304**
RE: Interviewing Finalists for Town Planner Position

Select Board

Michael Watson, Chairman
John George, Jr.
Stanley Mickelson

Lara Stone, Vice Chairman
Shawn McDonald

The two finalists selected to interview were John Hansen, Jr. and James Hartnett. After the interview process, the Boards thanked the candidates for their interest in the position and felt that both were highly qualified. Chairman Avila called for a motion to appoint.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0) to appoint John Hansen, Jr. as the new Town Planner.

The Select Board unanimously voted (5-0) to ratify the appointment of John Hansen, Jr.

- (5) 7:40 P.M. Joint Meeting with the Select Board in Room #304**
RE: SRPEDD Presentation/discussion on Route 6 Low Impact Development (LID) Study

Select Board

Michael Watson, Chairman
John George, Jr.
Stanley Mickelson

Lara Stone, Vice Chairman
Shawn McDonald

SRPEDD Representatives

Grant King
Bill Napolitano

SRPEDD Representatives gave a lengthy presentation explaining SRPEDD's Low Impact Development Study for Route 6 in detail. Target development areas were highlighted, with various LID techniques discussed. The representatives offered suggestions as to how development could be increased while still protecting the Town's aquifer. Both Boards expressed appreciation for the presentation. After the presentation, the Planning Board reconvened in Room #315 to resume its regular meeting.



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Public Hearing

**(6) 8:30 P.M. Continued Public Hearing
Definitive OSRD Subdivision entitled "Sagamore Estates"**

The applicant proposes to create a four (4) lot subdivision with a 5.3 acre open space parcel from an 8.1 acre tract of land located at Sagamore Drive in Apponagansett Village. Access to the lots will be from Sagamore Drive. The applicant is also requesting a Special Permit for an Open Space Residential Design, as provided for in Section 6 of the Zoning Bylaws, to allow waivers regarding Section 4B.401—Lot Area; Section 4B.402—Lot Shape; Section 4B.403—Frontage; and Section 4B.404—Setbacks.

A motion was made by Joseph Toomey, duly seconded by Lorri-Ann Miller, and unanimously voted (5-0), to recess the Planning Board's regular meeting at 8:30 p.m. in order to go into a public hearing¹ concerning a Definitive OSRD Subdivision Plan entitled "Sagamore Estates".

The regular meeting resumed at 9:36 p.m.

Administrative

(7) Action: Definitive OSRD Subdivision entitled "Sagamore Estates"

The Planning Director reminded the Planning Board that if it decides to take action, two votes are required:

1. Vote to approve the OSRD Special Permit in accordance with the amended draft Certificate of Action. Four favorable votes are required.
2. Vote to approve the revised subdivision plan under the Subdivision Control Law in accordance with the amended draft Certificate of Action. Simple majority vote.

A motion was made by Lorri-Ann Miller to approve the OSRD Special Permit in accordance with the amended draft Certificate of Action, which was duly seconded by Joseph Toomey, and voted (4 yes; 1 abstain). John Sousa abstained from voting.

¹ For more information, see minutes of Planning Board's Continued Public Hearing of December 15, 2014 for "Sagamore Estates".



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A motion was made by Kevin Melo to approve the revised definitive subdivision plan under the Subdivision Control Law in accordance with the amended draft Certificate of Action, which was duly seconded by Joseph Toomey, and voted (4 yes; 1 abstain). John Sousa abstained from voting.

CERTIFICATE OF ACTION FOR A SPECIAL PERMIT
"SAGAMORE ESTATES" OSRD SUBDIVISION PLAN

DECISION

At its regular meeting of December 15, 2014 and after the close of the above described public hearing, the Planning Board voted Kevin Melo—yes; John Sousa—abstain; Lorri-Ann Miller—yes; Joseph Toomey—yes; and Joel Avila – yes; to grant a Special Permit to the petitioner, J & T Homebuilders, PO Box 80038, Dartmouth, MA 02748 for an OSRD development to allow a reduction in lot area, lot shape, frontage, and building setbacks for individual house lots in accordance with Section 6 of the Zoning By-Laws.

The Planning Board granted the Special Permit for an OSRD development because it found that the plan met the following purposes of Section 6.100:

- The plan allows for greater flexibility and creativity in the design of this residential development.
- The plan preserves open space, particularly plant and wildlife habitat in a densely built up neighborhood.
- The plan preserves open space adjacent to existing houses to create a buffer between the existing and proposed developments.
- The plan reduces the construction cost and maintenance of new streets, utilities and public services, and develops the site in a more economical and efficient manner in harmony with the site and environment.
- The plan minimizes the total amount of disturbance on the site.
- The plan does not exceed the maximum number of lots which could be built here under the Single Residence A zoning.

In accordance with Section 6.500, the Planning Board modified the following requirements of the Dartmouth Zoning By-Laws for lots shown on the plan:

Section 4B.401 - Lot Area: to allow the minimum lot requirement in the Single Residence A District to be 25,000 square feet and the minimum upland requirement



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to be 25,000 square feet.

Section 4B.402 - Lot Shape: to allow the lot shape as shown on the plan for all lots.

Section 4B.403 - Lot Frontage: to allow 0 feet of frontage.

Section 4B.404 - Building Setbacks: to allow a 30-foot minimum building setback from the common driveway.

The Planning Board grants the Special Permit for "Sagamore Estates" with the following conditions and restrictions:

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

Subdivision Plan of Sagamore Estates

An Open Space Residential Design (OSRD) Development

Located in Dartmouth, Massachusetts

Prepared for J & T Home Builders

Prepared by SITEC, Inc.

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover	-	8/7/14 rev.11/24/14
Subdivision Density Plan	1 of 1n	5/13/14 rev.11/24/14
Street & Utilities Plan for Common Drive	1 of 6	8/7/14 rev.11/24/14
Detail Sheet #1	2 of 6	8/7/14 rev.11/24/14
Detail Sheet #2	3 of 6	8/7/14 rev.11/24/14
Existing Conditions	4 of 6	8/7/14 rev.11/24/14
Existing Watershed Plan	5 of 6	8/7/14 rev.11/24/14
Developed Subcatchment Plan	6 of 6	8/7/14 rev.11/24/14

2. The Planning Board grants the Special Permit in conformance with the Certificate of Action for a Definitive (OSRD) Subdivision Plan dated December 17, 2014 for "Sagamore Estates".
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.



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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.
6. Open space areas are not to be used for construction/storage/work areas for construction activities associated with construction of the Subdivision, except for construction of the detention area and associated drainage infrastructure.
7. Where lots abut open space boundaries, the corners of the lots along the boundary shall be marked with concrete bounds and one (1) sign a minimum of 1' x 1' shall be provided in the middle of the open space boundary between the corners. The sign shall state "Open Space Boundary". The boundary delineation markers and signs defining the boundary between the buildable lots and the open space parcel shall not be removed and must be maintained as boundary delineation markers. The markers and signs shall be maintained in good condition, and this requirement noted in the Trust Document.
8. Public access shall be allowed to the open space parcels and noted on the plans. A sign (2' x 2' minimum), shall be installed at the end of the driveway stating "Public Access Way". No motorized access is allowed on the open space except for property maintenance, emergency access, agricultural and forestry purposes. Bicycles are allowed.
9. The OSRD Trust Document shall include provisions for maintenance of the common driveway, boundary delineation markers, signs and the detention facility. The Trust Document shall make it clear that public access is allowed on the open space parcels.
10. 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.
11. There shall be a "no cut" zone on Lot 4, where vegetation shall not be removed for a distance of 10 feet from the eastern boundary of Lot 4. If vegetation is cut or removed in the "no cut" zone, new plantings of Leyland Cypress (minimum 5 feet tall on planting) spaced 8 feet apart on center, shall be replanted. The "no cut" zone and the replanting requirements shall be shown on the subdivision plan.

All conditions of approval shall be met within two (2) years from the date of filing of the Planning Board decision in the Office of the Town Clerk. A reasonable extension of said time shall be granted by the Planning Board in the case of an appeal to the Superior Court under Massachusetts General Laws (M.G.L.), Chapter 40A, Section 17 or if good cause is shown to the Planning Board for an extension.



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Appeals, if any, shall be made pursuant to M.G.L., Section 17, Chapter 40A, and shall be filed within twenty (20) days after date of filing of such notice in the Office of the Town Clerk.

The Special Permit does not become effective until the Town Clerk certifies that no appeal of the decision has been filed in Superior Court within the 20-day statutory appeal period; or that if an appeal has been filed, it has been dismissed or denied and a certified copy of the decision is recorded in the Bristol County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

The applicant or petitioner is responsible for filing the certified decision in the Registry of Deeds and for paying the recording fees.

A copy of the recorded decision certified by the Registry of Deeds is necessary before a Building Permit, dependent on the Planning Board's decision, can be issued by the Director of Inspectional Services. Copies of the approved plans and this decision are on file in the Town Clerk and Planning Board offices. Copies of the complete minutes of the public hearing are available upon request at the office of the Planning Board.

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

Certificate of Action for a Definitive (OSRD) Subdivision Plan
entitled "Sagamore Estates"

The approved Definitive Subdivision Plan consists of the following:

Subdivision Plan of Sagamore Estates

An Open Space Residential Design (OSRD) Development

Located in Dartmouth, Massachusetts

Prepared for J & T Home Builders

Prepared by SITEC, Inc.

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Cover	-	8/7/14 rev.11/24/14
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Street & Utilities Plan for Common Drive	1 of 6	8/7/14 rev.11/24/14
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The conditions of approval are listed below:

1. This Definitive Plan is subject to an Open Space Residential Design Special Permit dated December 17, 2014.
2. The Director of Inspectional Services shall not issue a building permit for Sagamore Estates until a lot release signed by the Planning Board is delivered to the Building Department.
3. The following DPW comments must be addressed in a revised set of plans:
 - a. Place the following notes in the general notes:
 - i. "Shop Drawing shall be submitted for all utility construction materials, including sewer, water, and drain."
 - ii. "A pre-construction meeting shall be held at the Department of Public Works prior to any utility construction."
 - iii. This subdivision and the 18 foot common driveway shall remain private.
 - iv. "All construction shall comply with the Town of Dartmouth Department of Public Works construction Specifications latest revision."
 - b. Include sewer manhole detail with spec frames, covers, adjustment rings, exterior wraps, and interior boots.
 - c. Include water main and sewer main trench details.
 - d. Detail water curb box to be Erie style, and services to be 1" copper to curb stop.
 - e. Show the last two sewer services for lots 2 & 3 serviced from the main, and not from the sewer manhole.
 - f. Show sewer lateral details with 2% minimum slope.



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- g. There will be multiple utility crossing in Sagamore Road with all utilities being close in elevation. Show the crossings on profile and label elevations at crossing.
- h. Fire hydrant lateral should be detailed as 6" CLDI, the detail shows the lateral piping as 8".
- i. It appears on the plan that a 90 degree bend is proposed to tie into the hydrant. Proposed a hydrant tee and valve, 2' stub, End Cap with thrust block.
- j. Sewer manhole sta 5+55 Rim to invert elevation only shows a difference of 2.35, the profile scales differently. Looks like the Rim Elevations were copied from smh sta 3+50. Please revise on profile and plan view.
- k. Show a detail of slope between roadway and Lot 66 on Map showing property line, retaining wall, guardrail, and slope.
- l. Show detail of roof infiltration systems with inspection port.
- m. Label retaining wall on grading plan.
- n. All Drainage Flared Ends, inlets and outlets should be RCP. Initial plan showed an 18 RCP. New plan with same date (no revision date) shows 2 (two) 21" DHPE Flared Ends. Detail still shows 18 RCP.
- o. Anti-Tracking Pad stone size should be minimum of 2".
- p. Look at proposed grading at intersection of Sagamore Drive and Common Driveway.
- q. Show guardrail on cross section for common driveway construction at wetland crossing.
- r. Show proposed grading for wetland replication area.
- s. Locate Benchmark closer to site. Existing bench mark is located on a hydrant across from 34 Sagamore Drive.
- t. Be aware that the neighborhood surrounding the proposed development has had past issues with stormwater runoff.



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- u. Add note that when crossing water main with sewer, unless sewer is 18 inches under the water, sewer shall be sleeved 10 feet either side of the crossing.

- 4. The Common Driveway easement shall be marked at all changes in direction with concrete bounds.

- 5. The pedestrian access way between the lots at the end of the common driveway shall be 20 feet wide, not 10 feet as shown.

- 6. Signs identifying public access shall be provided:
 - a. At the intersection of the common driveway with Sagamore Drive.

 - b. At the north end of the common driveway at the beginning of the 20 foot wide pedestrian way between the lots.

The signs shall be a minimum of 18" x 18". These locations and sign requirements shall be shown on the plan.

- 7. The gap in the stonewall between Lots 1 and 2 shall be closed with a restored stone wall. Show note on plan.

- 8. The note regarding the reduced zoning requirements under the Special Permit referring to lot size shall be changed to show that 25,000 square feet is the new lot size, not 25,818 square feet.

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:

- 1. Section 3.100 – Submission Requirements: regarding subdivision roadway construction and review, since a common driveway is proposed instead.

- 2. Section 3.300 – Roadway Construction Requirements: no subdivision street is being built

- 3. Section 3.315 – Stonewall Protection: to not require full replacement, but the gap in the stonewall between Lots 1 & 2 shall be rebuilt.

The above waivers are needed because the applicant is submitting a "subdivision plan" that creates no new roads and has chosen to voluntarily submit to the subdivision process.



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This has been done in order to apply for the OSRD Special Permit for a subdivision plan. The above waivers are in the public interest in order to develop an OSRD subdivision that provides open space that protects Town designated forest land and Rock O'Dundee Road frontage which is a scenic road.

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

Administrative

(8) Clarendon Estates Subdivision Surety

Present: Matthew Antonio, Palmer River Development

The Planning Director explained that the deadline for the completion of improvements in this subdivision was December 1, 2014 and that currently, \$268,005 surety is being held by the Town to guarantee completion of the road. The surety being held is a Letter of Credit, which expires on January 1, 2015. He also stated that the DPW has been asked to complete a final inspection of the subdivision and report whether the work is done. The surety estimate was forwarded to the Board prior to this meeting and totaled \$157,617.

Mr. Antonio forwarded a letter to the DPW from NSTAR Electric confirming that the underground infrastructure has been completed and inspected, and is now owned by NSTAR Electric. The DPW adjusted the surety estimate via email to \$55,348 as a result.

Mr. Antonio explained to the Board that other DPW listed items were completed but he was unable to obtain confirmation in time for this meeting. He further explained that the Letter of Credit actually expires in March 2015.

The Planning Director recommended that the date be confirmed with the Town Treasurer.

John Sousa motioned to postpone action on the Clarendon Estates surety until December 22, 2014 to allow time for the completion of more improvements and to confirm the expiration date on the Letter of Credit. This motion was duly seconded by Lorri-Ann Miller and unanimously voted (5-0).

(9) For Your Information/New Business
Planner's Report

Town Hall Space Reorganization Committee

The Planning Director reported that the consultant is continuing an inventory of



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furniture, files, and space needs for the departments. He stated that the Committee came up with three conceptual ideas for potential layouts.

Concepts Developed

1. Proximity Concept – simply locate all the development offices to the third floor, with independent office spaces
2. Common Space Concept – create a central office with Department Heads separated from support staff
3. Separate Offices with Open Counter Space – have separate offices for Department Heads and support staff, but with shared multiple counters around a core public space

The Town Hall Space Reorganization Committee indicated that the third concept would be preferred if feasible. The Design Consultant will create engineered conceptual plans and report back at the next meeting with a cost analysis.

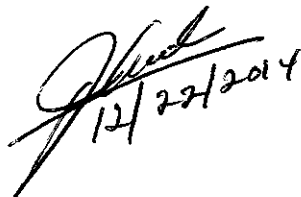
Apartment Building Proposed on Dartmouth Street

The Planning Director informed the Board that a developer is interested in constructing a 5-story apartment building on Dartmouth Street in the "big box" lots zoned General Business. He stated that the developer may seek a zoning change through Town Meeting, or may seek ZBA relief. This project is in the preliminary phase.

With no further business to discuss, 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 10:15 p.m.

The next Planning Board meeting is scheduled for December 22, 2014 in Room #315, Town Office Building, 400 Slocum Road.


12/22/2014

Respectfully submitted,
Jane Kirby
Planning Aide