



**MINUTES OF PLANNING BOARD PUBLIC HEARING
March 9, 2015**

**Amended Definitive Subdivision Plan
entitled "Hixville Estates"
Meeting Room #315**

Town Office Building, 400 Slocum Road, Dartmouth, MA

Planning Board Members

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

Planning Staff

Mr. John P. Hansen, Jr., Planning Director
Ms. Jane Kirby, Planning Aide

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DARTMOUTH TOWN CLERK

The Chairman opened the public hearing¹ at 7:10 p.m. concerning an amended Definitive Open Subdivision Plan entitled, "Amended Subdivision Plan of Hixville Estates", which proposes to slightly move the alignment of the proposed road to avoid impacting a wetland.

All Planning Board members and Planning staff were present.

Also Present: Steven Gioiosa, P.E., SITEC, Inc.
John Sylvia, 671 Hixville Road

Chairman Avila reviewed the purpose and procedure of the public hearing for those present.

Lorri-Ann Miller motioned to waive the reading of the legal notice, which was seconded by Joseph Toomey, and unanimously voted (5-0).

The Planning Director stated that this public hearing is for an amendment to a previously approved 2-lot subdivision, Hixville Estates, off of Hixville Road. The Conservation Commission requested that the road be shifted slightly to the east to avoid impacting an isolated wetland pocket.

The Planning Director read the following letters into the record:

- From Steven Gioiosa, P.E. to the Planning Board dated September 22, 2014
- From DPW to Donald Perry, former Planning Director, dated December 22, 2014

¹ For more information, see minutes of the Planning Board's regular meeting of March 9, 2015



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Mr. Gioiosa reviewed the originally approved subdivision plan and the road construction plan with the Board, noting that the Conservation Commission asked to shift the road out of the wetland project and that he worked with the Town's drainage consultant and Conservation Commission to come up with the current plan. An Order of Conditions has been received through ConComm for the amended plan before the Board.

Mr. Gioiosa proceeded to review the access easements on the plan that resulted due to encroachments on the applicant's property (gravel and driveway from abutting property extending onto applicant's property). He explained that everything except the shift to the road will remain the same:

- 2 easements remain
- Lots remain the same
- No change to road length
- Construction details remain the same
- Plantings are the same

At this time, Chairman Avila asked if anyone from the general public wished to speak.

Abutter: John Sylvia, 671 Hixville Road, expressed concern with how close the road will be to the wetlands, and questioned if removing existing trees to construct the roadway would damage his driveway. He questioned if the driveway could be repositioned within the designated access easement to preserve existing trees.

Mr. Gioiosa responded that the closest point of the road would meet the wetland's edge (about 2 feet away). He explained that the clearing limits to construct the road will not impact the neighbor since this amendment actually moves the road further away. He also stated that the easement (72 feet long) is larger than needed, and he could work with the neighbor for the best location for the road construction within the easement in an effort to preserve existing trees. He explained that the intent is to create a safe intersection design, but that 72 feet is long enough to save some trees.

Chairman Avila asked the Board if it had questions.

The Board questioned who would be responsible for road maintenance. Mr. Gioiosa stated that the owners of Lots 1 and 2 would be responsible, but the abutter would be responsible for the private driveway.

No further questions or comments were received.

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



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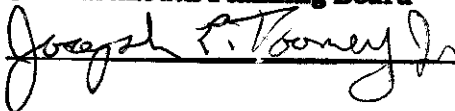
Town Office Building, 400 Slocum Road, Dartmouth, MA

A motion was made by John Sousa to close the public hearing, and duly seconded by Lorri-Ann Miller for discussion.

The Planning Director reviewed the draft Certificate of Action and proposed conditions resulting from the public hearing prior to closing. The Board amended the draft Certificate of Action to include language to allow for the repositioning of the driveway within the designated access easement to preserve existing trees, as directed by the western abutter and meeting DPW standards.

The Board unanimously voted (5-0) to close the public hearing at 7:38 p.m. and resume the regular meeting of the Planning Board.

APPROVED BY:
The Dartmouth Planning Board



Respectfully submitted,
Jane Kirby
Planning Aide



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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. John Hansen, Jr., Planning Director
Ms. Jane Kirby, Planning Aide

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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 February 23, 2015
Public Hearing Minutes of February 23, 2015
Definitive OSRD Subdivision Plan entitled "Stone Wall Acres"

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

(2) Invoices

Reimbursement to John Hansen, Jr., AICP	\$48.00
Planning Director's Mileage Reimbursement	\$27.77
Planning Aide Online Subscription Reimbursement	\$69.00

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

(3) Correspondence

Legal Notices from Dartmouth Conservation Commission
Legal Notices from City of Fall River
Legal Notices from Town of Westport

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



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(4) Chapter 61A Land – First Option to Purchase
482A Smith Neck Road (David Brownell)

The Planning Director explained that this 1.84 property is located on Smith Neck Road and has 188 feet of frontage. Due to the small size of the property the Planning Director recommended that the Planning Board vote to recommend that the Town not exercise its option to purchase. If the Board agrees, a letter will be forwarded to the Select Board.

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa for discussion, and voted (5-0) to recommend the Town not exercise its option to purchase.

(5) Chapter 91 – Waterways License
180 Horseneck Road

The Planning Director explained that this waterways license is to construct a fixed pier, gangway, and float at 180 Horseneck Road. He recommended that the Board vote to forward a letter to DEP with the Planning Board's recommendations. The draft letter did not contain language for "signage", and a Board member requested that signage language be added.

A motion was made by Joseph Toomey, duly seconded by John Sousa, and unanimously voted (5-0) to forward the Planning Board recommendation letter to the DEP Waterways Regulation Program for the Waterways License.

Public Hearing

(6) 7:10 P.M. Amendment to Definitive Subdivision Plan entitled
"Hixville Estates"

Present: Steven Gioiosa, P.E., SITEC, Inc.
John Syvia, 671 Hixville Road

Chairman Avila asked for a motion to recess the Board's regular meeting in order to open the public hearing¹ for an amendment to the Definitive Subdivision Plan entitled "Hixville Estates", which proposes to shift the road slightly to the east to avoid impacting an isolated wetland pocket to eliminate any alteration of the wetlands.

¹ For more information, see public hearing minutes for
"Amended Definitive Subdivision Plan entitled "Hixville Estates"



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A motion was made by Lorri-Ann Miller, duly seconded by John Sousa, and unanimously voted (5-0) to recess the regular meeting in order to open the public hearing for an amendment to "Hixville Estates" subdivision plan.

The regular meeting resumed at 7:40 p.m.

Administrative Item

(7) Action on Amendment to Definitive Subdivision Plan entitled "Hixville Estates"

The Planning Director recommended that the Board approve the Certificate of Action as amended during the public hearing.

A motion was made by Lorri-Ann Miller, duly seconded by Joseph Toomey, and unanimously voted (5-0) to approve the amendment to the subdivision plan, and to approve the Certificate of Action as amended during the public hearing.

The approved Definitive Subdivision Plan consists of the following:

"Amended Definitive Subdivision Plan for Hixville Estates"

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Title Sheet	—	October 31, 2012 Revised through August 13, 2013
Street & Utilities Plan for Mary's Way Located in Hixville Estates	1 of 3	October 31, 2012 Revised through August 13, 2013
Detail Sheet	2 of 3	October 31, 2012 Revised through August 13, 2013
Overall Existing Conditions	3 of 3	October 9, 2012 Revised through August 13, 2013

Amended plan modifications described as:

Shifting the road slightly to the east to avoid impacting an isolated wetland pocket to eliminate any alteration of the wetlands.

The conditions of approval are listed below:

1. The conditions of the originally approved Certificate of Action dated January 29, 2013 for a Definitive Subdivision Plan entitled "Subdivision Plan of Hixville Estates" are adhered to.



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2. Revise General Note #7 on Sheet 2 of 3 to say "All construction shall comply with Town of Dartmouth Department of Public Works Specifications Latest Revision".
3. Add note to say that roadway will remain a private way.
4. Add most current Revision Date.
5. Add a note to the plan stating that the position of the driveway for 671 Hixville Road within the designated access easement to preserve existing trees shall be directed by the western abutter and approved by DPW.

All site improvements shall be in accordance with plans approved by the Planning Board.

Except as provided below, the amended 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 the original plan, the following waivers from its Subdivision Regulations were granted:

- 3.304 Curbing – Curbing was waived in order to facilitate water quality mitigation but with the requirements that pavement width is increased to 18 feet.
- 3.310 Drainage – Full drainage improvements have been waived but some drainage improvements will still be required as shown on the plan.

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

Appointment

- (8) Thompson Farland Engineering**
RE: Revised Off-Street Parking Plan for 78 Brandt Avenue
(Proposed New Retail Building/Coffee Shop)

Present: Christian Farland, P.E., Thompson Farland, Principal Engineer
Nicolas Dufresne, Thompson Farland, Project Manager
Zachary Darrow, Esq. – Representing Property Owner
Nicholas Hemond, Esq. – Representing Coffee Shop Tenant



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The Planning Director reminded the Board that this parking plan proposes the construction of a new retail building, divided into 4 units, and a coffee shop on State Road, between Greystone and Brandt Avenues. The 16,960 s.f. retail building and 1,817 s.f. coffee shop with a drive thru will be served by 89 parking spaces (88 required). The Planning Director stated that the lack of buffer from residential properties to the rear still has not been addressed with this revised plan. He proceeded to list the Planning Board's comments from the original parking plan submission on February 10, 2015:

- Inadequate parking layout
- Unsafe to cross traffic to get to restaurant
- Redesign to move coffee shop and drive-thru layout
- Provide a bypass lane for the drive-thru
- Eliminate drive-thru altogether
- Move the coffee shop into the retail building and eliminate second structure
- Provide sidewalks along the full frontage of Greystone and Brandt Avenues

The Planning Director recommended that the Planning, Public Works, Police and Fire Department comments be addressed prior to any action.

Nicolas Dufresne reviewed the plan revisions for the Board.

Lengthy discussion ensued. A Board member continued to express serious concerns with the layout as designed stating that there is inadequate parking for the coffee shop and that the revised plan was essentially the same unsafe plan originally submitted.

Attorney Zachary Darrow asked the Board to consider a "less than perfect" design due to the wetlands, which has been an impediment to this site for a long time and the reason the site remains undeveloped .

A Board member expressed concern with the coffee shop, and felt that just the retail component would be a less intense use that wouldn't disturb the wetland replication issue. He sympathized with the wetland restrictions, but did not want to compromise safety.

Attorney Darrow stated that intensity of uses cannot be an issue since the uses are allowed in the Town's zoning bylaws. He asked the Board to help come up with a design to incorporate all the uses.

A Board member suggested that the U-shaped drive-thru could be an L-shape to



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add parking and open space up to help with the traffic flow.

Another member suggested that the coffee shop could be moved to the back, and the retail building moved up front.

Chairman Avila clarified that it is not the combination of uses as allowed by the bylaw that is an issue, but the proposed use of the site as designed causing unsafe conditions that is the problem.

The applicant will revise the parking plan again and come back before the Planning Board at a future meeting.

Christian Farland signed a timeline for action extension request to May 31, 2015.

(9) Thompson Farland Preliminary Review of Proposed Subdivision entitled "Ocean View Farms"

Present: Christian Farland, P.E., Thompson Farland, Principal Engineer

Christian Farland requested this informal discussion with the Board. No application has been submitted at this time. The subject property is described as Assessor's Map 9, Lots 29, 30, 33, 34, 34-1, 34-2, 35 & 36 and is located off of Allens Neck Road. The subject property for this proposed 34-lot conventional subdivision is within Chapter 61A and contains NHESP Estimated Habitats of Rare Wildlife and Prime Farmland soils.

Mr. Farland submitted a conceptual plan prior to this meeting that was forwarded to this Board that showed a looped roadway. At this meeting, he submitted a second layout design that would meet all the subdivision rules and regulations for a 34-lot conventional subdivision. The second plan showed two dead-end roadways, which could be a safety concern. He was seeking the Board's feedback and stated that he preferred the "looped road" layout design.

Mr. Farland proceeded to review the property locus/acreage/zoning data/and road design with the Board. He stated of the 34 proposed lots, 5 lots are designed as estate lots.

The Board questioned why an OSRD subdivision isn't being considered for this property. Mr. Farland responded that from a sellable standpoint, the lots as designed are greater than 80,000 square feet, with the estate lots in excess of 140,000 square feet. He stated that the design provides large lots with open green space rather than the smaller lots of an OSRD subdivision. He explained that the estate lots are divided from 75 +/- acres and will provide open space. The existing road shown on the aerial photo will remain as an access easement



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to provide owners access the water.

Chairman Avila asked if the owner has given notice to the Town to convert this property out of Chapter 61A. Mr. Farland responded not at this time. Chairman Avila further asked if this is evidence that there is intent to convert the property out of Chapter 61A. Mr. Farland responded in the affirmative.

Chairman Avila noted that an OSRD subdivision provides permanently protected open space with conservation restrictions.

Mr. Farland stated that an open space design would be similar to the submitted conventional design because the open space would be located in the rear of the property towards the water. As currently designed, the estate lots will provide the open space.

Chairman Avila stated that typically the Board encouraged the open space parcels to provide access to the open space for the enjoyment of residents. He stated that an OSRD design comes with covenants to permanently protect the open space that is not provided with this conceptual layout.

Board members felt that an OSRD subdivision could still provide many lots while preserving open space. The Board advised that the habitat issues should be explored with NHESP so that the species could be identified and marked, and could ultimately impact the subdivision layout.

The Board stressed that an OSRD subdivision design is preferred, and would show that the applicant is concerned with preserving wildlife and open space natural resources to Natural Heritage. The Board noted that public access to the open space is not a requirement. The Board felt that the flexibility of an OSRD design could meet the developer's needs and address the Town's interest.

Mr. Farland stated that he will encourage and present an Open Space Residential Design to the owner of the property, who would be the applicant for this proposed subdivision.

(10) Antonio Way Subdivision Improvement Timeline Extension Request

The Planning Director stated that the applicant for Antonio Way Extension has requested the remaining surety of \$1000, which expires April 3, 2015, be extended. The remaining work includes patching of asphalt, which cannot be done with snow and ice on the ground. The Planning Director recommended the Board extend the timeline to June 30, 2015.

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously



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voted (5-0) to extend the timeline to June 30, 2015.

(11) Planning Board Priority List

The Planning Director requested the priority list be reviewed by the Board to know which item he should work on in conjunction with creating a Site Plan Review Bylaw since SRPEDD will be drafting the sign bylaw.

Discussion ensued. Board members agreed that the Cell Tower Bylaw should be added to the priority list. The Board determined that the Master Plan should be reviewed to provide insight as to which item should be the next priority.

(12) For Your Information/New Business

Planner's Report

- Fall Town Meeting Zoning Bylaws 2014

The Planning Director informed the Board that all Fall Town Meeting Zoning Bylaws 2014 were approved by the Attorney General as submitted.

- Village Business District Outreach

The Planning Director forwarded letters regarding expanding the Village Business District to Committee Members and impacted property owners and received positive feedback.

- Revised Planning Board Schedule

The Planning Director reminded the Board that the Planning Aide will be on medical leave. The Board determined that the March 23, 2015 meeting will only be for long range planning, and the meetings in April will be light in an effort to help until the Planning Aide is able to return to work.

- Industrial Zone Uses

The Planning Director stated that Paul Murphy, Zoning Enforcement Officer, had a discussion with a businessman regarding processing material and the fact that it's not an allowed use in any zone in Town. The Planning Board felt that if the applicant wishes to pursue inclusion of such use in the zoning bylaw, the proponent may.

- Northeastern University Padanaram Capstone Project



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The Planning Director along with DPW Director and Board of Public Works Chairman attended a presentation at Northeastern University where feedback was given for circulation, sidewalks, and streetscapes in Padanaram Village. The students will submit a report sometime in April incorporating design ideas for the village.

(13) Long Range Planning – Site Plan Review Bylaw

Due to the late hour, this item was tabled this evening but will be discussed at length at the meeting of March 23, 2015.

With no further business to discuss, Chairman Avila called for a motion to adjourn.

A motion was made by Kevin Melo, duly seconded by Joseph Toomey, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:12 p.m.

The next Planning Board meeting is scheduled for March 23, 2015, in Room #315, Town Office Building, 400 Slocum Road.

APPROVED BY:

The Dartmouth Planning Board

Joseph P. Toomey Jr.

Respectfully submitted,
Jane Kirby
Planning Aide