



MINUTES OF REGULAR PLANNING BOARD MEETING
April 6, 2015
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. John Hansen, Jr., Planning Director

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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DARTMOUTH TOWN CLERK

Administrative Items

Approval of Minutes

Regular Meeting of March 23, 2015

A motion was made by Kevin Melo, duly seconded by John Sousa, and it was unanimously voted (5-0) to approve the above-referenced minutes. (Vice Chairman signed as Chairman was unable to attend meeting of 3/23/15)

Correspondence

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

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

Chapter 91A – Waterways License 32 Wadsworth Lane

Director stated that this Proposal is to add a float to an existing dock and the Staff

Recommendation would be to forward the attached letter to DEP regarding the license which has typical language in there seeking defined easement if needed as well as a sign, and to expand the public's right in the intertidal zone to strolling.



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A motion was made by John Sousa, seconded by Joseph Toomey, and it was unanimously voted to approve the Staff's Recommendation.

SRPEDD Appointment

The Director stated that this item on the agenda is for the annual appointment for the SRPEDD commission and our current representative is Lorri Ann Miller.

Lorri-Ann Miller indicated that she would like to continue to serve and stay on the commission as they are in the process of hiring a new Executive Director.

A motion was made by Chairman Avila, and seconded by John Sousa and it was unanimously voted to nominate Lorri-Ann Miller to represent the Town of Dartmouth Planning Board.

Public Hearing

7:05 P.M. Spring Town Meeting 2015 Zoning Articles

Chairman Avila asked for a motion to recess the Board's regular meeting in order to open the public hearing to discuss the Spring Town Meeting 2015 Zoning Articles.

A motion was made by Joseph Toomey, duly seconded by Lorri-Ann Miller, and it was unanimously voted (5-0) to recess the Planning Board's regular meeting in order to open the public hearing.

Appointment

Thompson Farland Engineering
Revised Off-Street Parking Plan for 78 Brandt Avenue

Also present: Christian Farland, Principal Engineer
Thompson Farland Engineering

The Planning Director stated that the plans of early March had been revised plans and the Planning Board comments appear to have been addressed from that meeting regarding the circulation. In addition the Planning staff's initial comments appear to need addressing due to the new coffee shop orientation with the stacking spaces only appearing to be about 5-6 spaces. While no standards currently exist, the draft site plan review bylaw has 10 stacking spaces. The prior submitted plan was 7-8 stacking spaces. Pedestrian safety should be considered as well as vehicular safety with this new layout. He pointed out that the Board should be aware that four parking spaces



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could potentially be backing out into that main access from the coffee shop. Director provided correspondence from the DPW which he had received after the packets to the Board members had gone out. These comments had been forwarded to the applicant's engineer.

The Director then read the correspondence which included 14 comments from DPW.

Christian Farland, representing the applicant, stated that since the last meeting, revisions were made to the plan which incorporated the Board members' comments that have helped traffic circulation and public safety within the site. The stacking that they had before was 10 stacking vehicles. With this new location there are now seven which is still adequate for the proposed tenant. Other small revisions were made regarding the sidewalks along Greystone and Brandt Avenue to extend it to the property limits. Comments from the Town Engineer's office were received last Friday and there are no problems with those conditions. Prior to construction, the General Contractor will hire a bonded Town of Dartmouth site contractor who is familiar with those regulations and specs. Prior to picking up Water/Sewer permits the Plan would have to reflect the changes that are requested. The site presented will add value to the Town of Dartmouth as the site has been vacant for some time and having an applicant who will be a tenant on the site and also owns the property is the only way this project will work.

John Sousa stated that he noticed the one painted crosswalk at the main entrance and expressed concern and requested that all crosswalks at ramps be painted for pedestrian safety, and added that he was otherwise pleased with the changes with the seven stacking versus the ten.

Lorri-Ann Miller suggested that the yield sign be replaced with a stop sign where the cars are coming out of the drive thru, and John Sousa agreed that it would not be a bad idea to change that to a stop sign rather than a yield sign.

Mr. Farland stated that they could add a stop bar (one stripe) right before the crosswalk.

The Planning Director informed the Board that he had observed another Starbucks during peak hour between 8:00 and 9:00 a.m. and never saw more than five cars stacked up at one time and he was in agreement with the current design and changes.

The Director noted the modifications for approval as condition # 3 to paint the crosswalks at site entrances at Greystone and Brandt Avenue, a stop sign at end of drive thru as condition #4, and the DPW comments as conditions 5-18

Conditions of approval are listed below:



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1. Prior to any utility construction, engineering inspection fees will need to be paid to the Department of Public Works.
2. The Conservation Commission shall issue an approval, including that of the drainage calculations, prior to the issuance of a building permit.
3. Painted crosswalks shall be added to the plans at the site entrances on Brandt and Greystone Avenues.
4. A stop-sign shall be added at the end of the drive-thru lane.
5. Refer to Town of Dartmouth Department of Public Works Construction Specification for allowed Drain Manhole Frames & Covers and show on detail.
6. Show proposed grading on Utilities plan sheet number 6 of 12.
7. Show utility pipe elevations at utility crossings.
8. On Sewer Manhole Detail show extended base on structure, remove alternate flat top(Cone top is required), Cretex exterior riser wrap on joints(not on pipe) Kor-n-Seal boots are required at pipe connections, specified frames and covers with "SEWER" on cover. Refer to Town of Dartmouth Construction Specification for specified frame and cover models and show on detail.
9. On Grease Trap detail include Cretex chimney seal, Exterior wrap on any joints, Ladtech or Cretex riser adjustment rings, Specified frames and covers with "Grease Trap" on cover. Refer to Town of Dartmouth Construction Specifications for frame and cover models and show on detail.
10. On Grease Trap detail also include tees instead of elbows and include sizing calculations.
11. Include Drainage Easement Plan with bearings and distances on separate sheet. Drainage Easement is to be submitted to the Town of Dartmouth Department of Public Works for approval.
12. Show the 8" water main tap on Brandt Avenue with a tapping sleeve and gate valve instead of a tee with a valve at property line.
13. On Utilities sheet 6 of 12 there appears to be a water gate valve on Althea that is offset west of the water main and north of the sewer manhole. Confirm this utility and it's location.
14. On Existing Conditions sheet 3 of 12, there are a number of drain pipes labeled(TBR), yet the main 24" drain is not labeled. If these lines are to be cut and capped, show in detail or text. The existing 24" drain appears to be remaining under the building as shown on the proposed utility and drainage plans. The drain plan shows a new DMH being proposed(structures aren't numbered) Rim = 120.70, I'S = 113.08. This location is where an existing structure is located, is the old structure to be removed?
15. Incorporate a Demolition plan as well as an existing conditions plan and label all demo work to be done.



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16. Hydrant detail shows Hydrant to "Open Left ". Hydrants and Gate Valves shall all open right.
17. Include note stating that Proposed Retail building shall not become food establishment unless a new site plan is submitted conforming to utilities required for such an establishment.
18. All end line drains, drain inlets, outlets and flared end section shall be RCP.

A motion was made by John Sousa, duly seconded by Lorri-Ann Miller, and it was unanimously voted (5-0) to approve the Plan with the Staff's recommendations as modified as well as the recommendations from the DPW.

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

Also present: Christian Farland, Principal Engineer
Thompson Farland Engineering

Mr. Farland stated that last month, on March 9, he had presented a concept plan to get feedback from the board members. This is a large project containing 180 acres of land which has been farmed for over 200 years. Before a Definitive Subdivision Plan is filed, the Board members had asked if an open space design plan was looked at and after talking with the applicant, it is something she would consider. The previous plan met all zoning requirements which was 80,000 square feet and the zoning was 200 ft. of frontage.

With the open space it allows a reduction in the frontage and area, and with the lots presented here, lot size is about 40-60,000 square foot lots. There are some larger lots which are called the "Ocean View" lots. Green space has been preserved for open space which is approximately 60 acres of land. The intent of that open space would be to privatize it to this development and to add some other features, possibly a tennis court for the subdivision community to use but those details have not been prepared. The existing road, which is basically an access road, will be utilized if someone wants to bring a kayak or drive down that gravel road and it would kept as a natural gravel road.

Some members had concerns regarding natural heritage. The applicant indicated that he did a thorough study and it came back that there are not any major issues as the land has been farmed over 200 years and has already been developed. There will be open space carved out.

Mr. Farland stated that he wanted feedback from Board members so that a decision could be made as to which way to go. He stated that hopefully, tomorrow, he could go



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full-speed ahead because time is starting to become an issue and he needs time to develop all of the plans.

Lorri Ann Miller requested to see that exactly carved out and more defined on the plan.

Chairman Avila questioned how it went from 34 to 42 lots.

Mr. Farland explained they had had previously submitted a plan for 34 lots and the lot sizes were 80,000 square foot. Now with open space the lots are 60,000 square foot so more lots were created.

Mr. Farland stated that there is language in the bylaw that allows you to have actually 5% of the open space to be buildings, and also restricts the Planning Board to have an area and a right for the rest of the land to be "No Build". Conventional maximum would be 60 lots and 42 is a reduction of that.

John Sousa stated his preference on OSRD versus the conventional subdivision. He expressed concern about conservation land abutting Allen's Pond and the bird sanctuary. He asked if they would consider creating an easement for trails through the property if there was interest for DNRT or another organization to have a trail around the pond in the future. He also asked if it is possible to get an easement to allow a passageway. He suggested that something be done as this may be a valuable connection in the future.

Chairman Avila stated that he would support some public access if it makes sense in terms of connecting to the other open space.

Mr. Sousa asked the Planner to do some research to find out what's in the area for existing conservation land, Audubon, or whoever has property out there and if there is an interest for a trail network there. Even if nothing is done now, as people move on and donate their parcel to conservation, there should be a way to get into the pond.

Chairman Avila stated that with the particular configuration shown and increased density of the properties, consistent with OSRD, he assumes that there is some level of work that has been done with wells, perc tests and a combination of the two to determine whether this is a feasible layout.

Mr. Farland stated that there have been 12-15 test pits done already. There is high ground water out there. The roadway will be brought up he is envisioning natural swales for drainage systems. An open drainage area has already been designed which having A soils is good because it will allow all to infiltrate into the ground, so there have been some preliminary drainage calculations done to size that area. There are wetlands to the west if they needed overflow for that storm water. There have not been any studies



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done with wells but would be looking into that.

Chairman Avila questioned if the owner was aware of her obligation to notify the Town of an intent to convert.

Mr. Farland replied that she is required to do so.

The Planning Director informed that there is a whole process involved with designing the open space in an OSRD. The Planning Board is not endorsing this exact design for this subdivision. The applicant would need to evaluate the site, inventory all the site features and make sure that the design enhances those features. The clear message here is that this plan is not necessarily the exact plan.

Chairman Avila stated that typically, the applicant will prepare a review of how the plan conforms with the OSRD standards.

Mr. Farland explained one of the requirements is for the open space to be 50% of the total parcel. Right now the total parcel is about 180 acres and we have shown 60 acres of that to be open space. The applicant is not willing to give any more than the 60 acres. This is the max amount. The Board members wanted an open space plan which has now been provided. It's been 50% but this is a large piece of land; 180 acres of land. The Board wanted a plan that conformed with the standards in the open space plan which was provided.

The Planning Director questioned the plan in the packets which read 70 acres of open space.

Mr. Sousa reiterated that the standard has been 50% for open space. In the OSRD there is a tremendous amount of flexibility as to the size of the lot, but the Board does not have the flexibility to waive the 50% minimum open space.

The Planning Director clarified that the Board is only authorized to modify lot area, shape, frontage, setback, lot coverage, driveways and parking.

Lorri Ann Miller advised Mr. Farland to find 30 acres to put back into open space. His client is getting more lots with the open space plan than she would be getting on the conventional plan. When the OSRD was written we were very strong about the open space, because we did not want to fight with developers over how much open space each one preferred.

Mr. Farland stated the last plan was for 34 lots. With a larger project like this, that would be asking the applicant to give up quite a lot. If this site had Town water and sewer they might be able to provide more open space here, but with private wells and septic



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systems, he does not see that happening.

Mr. Farland requested a waiver of that section of the bylaw.

Mr. Toomey stated that there are lots in the town of Dartmouth that are an acre and a half that fit a reserve septic system, and a well on the same property, and still keep 100 feet apart and follow the regulations of the Health Department.

Mr. Sousa added that Mr. Farland stated that 60,000 square feet is the minimum you could go here. Much of Dartmouth is 40,000 square feet that is not sewered and watered and those areas do not have trouble fitting in septic and wells. There is flexibility with OSRD and 40,000 square foot lots have been done before with no water and sewer, working quite well, adding that OSRD bylaw requires that you submit a plan that meets all the subdivision regulations.

The Planning Director explained that with the plan that was submitted, he would need 90 acres of open space.

Chairman Avila added that it is purely voluntary as the applicant is not required to actually implement an OSRD. Typically, there are less development costs in an OSRD plan. But there is more to OSRD than maximizing lots; that's not one of the objectives. He stated that he was not in favor of waivers for a conventional subdivision plan. The Planning Board has not taken an affirmative vote on any plan.

It was suggested that Mr. Farland return to his client and discuss which way she wants to go.

"The Enclave at the Reservoir" Lot Release Request

Present: Lee Castignetti, Counsel for Long Built Homes

The Planning Director explained that there is a request from Lee Castignetti, representing Long Built Homes, applicant for "The Enclave at the Reservoir", for the release lot 29 from the performance covenant so that a model home can be built. At this time the road has not been built. There is correspondence from Tim Barber of DPW who has stated they would work with Long Built through the construction to make sure that the materia is compacted correctly and the integrity is maintained, on this Lot Release request with the condition that lot 29 not be entitled to a CO. Release of Lot from the Performance covenant for your signature for a model home on lot 29 is provided.

Lee Castignetti stated that they are asking for a limited release of lot 29 which is the first lot on the left as you enter the subdivision. They are asking for that release on a limited



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basis for issuance of a building permit only; they are not seeking a CO or asking for release of the ability to convey the lot. It is just in order to get a jump start on the construction of the model home for the project. He added that the Performance Covenant prohibits the issuance of a building permit right now for all 29 lots because there are no road improvements. The roadway is improved sufficiently to be able to access that lot for construction purposes.

The Planning Director stated that typically, the applicant comes in after the binder is down, and the subdivision improvements have been completed.

Lee Castignetti further explained that when that road is paved, they would be that much further along with the Model home and be more ready to market that development to the general public. The model would not be open to the public unless the conditions did meet the requirements for safety.

The Planning Director stated that he checked with Paul Murphy, Director of Inspectional Services, and he is fine with issuing this.

A motion was made, duly seconded, and unanimously voted to approve the Staff's recommendation and approve the Lot Release request as submitted, subject to the contractor maintaining the integrity and accessibility of the ROW during construction of the model home on Lot 29.

For Your Information

Planner's Report

Northeastern University Padanaram Capstone Project

The Planning Board was invited to attend a meeting on April 27 at 6:45p

The Board decided to attend until 7:15p, not deliberating as a Board and to post it.

Digital Submissions – Conservation Commission is looking at this to go electronic in order to eliminate paper. It was suggested that it be required for subdivision plans only. Mr. Mello indicated that he would like his packet digital and Mr. Toomey indicated that he would welcome the use of an iPad for packet information dissemination.

Sign bylaw

The Planning Director stated that the Board requested a review and rewrite of the sign bylaw and SRPEDD will be starting on that this month. The Board was



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awarded the DLTA from SRPEDD.

The request was that electronic signs be looked at and addressed.

Solar Lighting

The Planning Director submitted an article regarding solar lighting to include in our site plan review and show that there are options.

New Business

The Planning Director stated that he was a member of Massachusetts Association of Planning Directors and he would be attending a luncheon on Friday in Foxboro where the meetings are held. He would like to continue attending those meetings as his dues are paid through the end of the year.

Lorri Ann Miller strongly recommended the Director's membership and added that the Town of Dartmouth can pay his membership fees when it is time for renewal.

Long Range Planning – Master Plan Implementation Audit

The Planning Director stated that he would like the Board's feedback to assess progress in achieving the goals and objectives of the 2007 Master Plan.

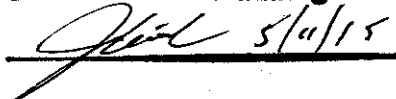
The members of the Board then proceeded to respond to each of the implementation items.

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

A motion was made and duly seconded by and unanimously voted to adjourn this evening's regular meeting at 9:15 p.m.

The next Planning Board meeting is scheduled for April 27, 2015, starting at 6:45p in Room #304 and continuing in Room #315 at 7:15p in the Town Office Building, 400 Slocum Road.

APPROVED BY:
The Dartmouth Planning Board



Respectfully submitted,
Marilyn Beaulieu
Planning Aide