



PLANNING BOARD PUBLIC HEARING MINUTES
June 22, 2015
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
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.

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DARTMOUTH TOWN CLERK

Administrative Items

(1) Approval of Minutes

- Regular Meeting of June 1, 2015
- Regular Meeting of June 8, 2015
- Public Hearing Minutes of June 8, 2015
 - Amendment to Definitive Subdivision Plan entitled "Sheldon Woods"
 - Special Permit for a Bed & Breakfast – 63 Captain's Lane

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

(2) Correspondence

- Legal Notices from Town of Freetown
- Legal Notices from City of Fall River

A motion was made by Joseph Toomey to acknowledge and file the above-referenced correspondence, which was duly seconded by Kevin Melo for discussion.

A Board member noted that the Freetown Planning Board's notice was regarding the installation of 2 electronic message center signs (LED). This member requested that the Planning Director obtain a copy of Freetown's Zoning Bylaws regarding signs.

The Board unanimously voted (5-0) to acknowledge and file the above-referenced correspondence.



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(3) Subdivision Improvement Timeline Extension Request

RE: Antonio Way

Present: Anna Soares

The Planning Director explained that the applicant was originally requesting a timeline extension to complete the remaining road work, which included patching the asphalt in the apron.

Anna Soares submitted an updated letter and was asking for the remaining surety (\$1,000) to be released based on DPW email correspondence confirming it would be ok.

The Planning Director expressed concern with future maintenance of the driveway apron if surety is released. The Planning Director questioned who would be responsible if a new owner wanted the apron fixed since the DPW will not maintain it. He further explained that the apron is on the public portion of Antonio Way.

Anna Soares submitted photos showing pictures of the driveway patch. Discussion ensued.

A motion was made by John Sousa to hold the surety and grant a timeline extension for completion of the subdivision to October 1, 2015. This motion was seconded by Kevin Melo and unanimously voted (5-0).

(4) Subdivision Improvement Timeline Extension

RE: Village at Cedar Dell

Present: Gregory J. Koldys, Esq. (representing Cedar Dell LLC)
Peter Rochford, Project Manager

The Planning Director reminded the Board that the developer would like to extend the deadline for completing the road improvements in the Village at Cedar Dell Subdivision. The current deadline is July 20, 2015, and the developer would like to extend it to July 2016. The reason for the extension request is several vacant lots (4 out of 7) exist within the subdivision and construction of homes on these lots would result in damage to the road.

The DPW agreed that the extension should be granted since the road might be damaged during construction of the remaining house lots. However they indicated in previous correspondence that cellar drains were not installed, as per the approved plan, and should be at this time.



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Attorney Koldys stated that his client was seeking waivers from the DPW regarding the cellar drains, but the DPW indicated that it would not be in favor.

The Planning Director thought that a 6-month extension would be more appropriate to help expedite the process of having the drainage issues resolved.

Discussion ensued. The Board determined that 3-months would be an adequate amount of time for the developer to install the cellar drains as shown on the approved subdivision plan. If the DPW confirms the drainage issues have been resolved, then the Board will consider a 9-month timeline extension at that time for the remaining subdivision improvements.

A motion was made by John Sousa to grant an extension to October 1, 2015 to allow time for the drains to be installed. This motion was seconded by Lorri-Ann Miller and unanimously voted (5-0).

(5) Subdivision Improvement Timeline Extension Request

RE: Village at Lincoln Park

Present: John E. Williams, Esq., Representing Midway Realty, LLC
Joseph Delgado, Project Manager, Midway Realty, LLC

The Planning Director explained that Town currently holds \$150,000 surety, which is good until August 5, 2015 and is adequate to cover the remaining cost of construction (\$149,516). The Subdivision Regulations require that 15 lots be held (1/4 of 57 total lots). He noted that currently 27 lots are being held.

Attorney Williams stated that his client is seeking to have Lot 17 released from the Performance Covenant because there is a buyer for this lot. He further stated that he will likely come back in a few weeks after he receives an estimate from the DPW to request the release of Lots 1 through 10. He reminded the Board that the Town is holding a sufficient amount of lots to allow the release of Lot 17.

The Planning Director pointed out that the Letter of Credit being held by the Town for this applicant expires on August 5, 2015, and recommended a new Letter of Credit be submitted for this project with no expiration date.

Mr. Delgado stated that the banks will only issue a Letter of Credit for three years.

Discussion ensued. The Board determined that Lot 17 could be released after a new Letter of Credit dated August 5, 2018 is received.



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The Planning Director noted that Phase 1A of this project has a completion deadline date of August 25, 2015. Mr. Delgado thought that it will take another year to complete. The Board determined that a timeline extension should be granted at this time.

A motion was made by Joseph Toomey to allow the release of Lot 17 from the Performance Covenant, conditioned upon receipt of the updated Letter of Credit dated August 5, 2018. This motion was duly seconded by John Sousa and voted (4 yes; 1 abstain). Kevin Melo abstained from voting.

A motion was made by Joseph Toomey to grant extending the completion deadline for Phase 1A to August 25, 2016. This motion was seconded by Lorri-Ann Miller and voted (4 yes; 1 abstain). Kevin Melo abstained from voting.

(9) Subdivision Improvement Timeline Extension Request
RE: Clarendon Estates

Present: Matthew Antonio, Manager – Palmer River Development Co., LLC

The Planning Director explained that the completion of work for Clarendon Estates was to be completed by 6/30/15, but the applicant is asking to extend it until the end of July. He reminded the Board that Lot 1 is being held as surety; however the Board allowed the issuance of a temporary Certificate of Occupancy on the lot, which is set to expire in early July. He also noted that the letter of credit for the remaining work has expired.

Matthew Antonio stated that he needed to hire a licensed utility worker approved by the DPW and he was unable to get on their May agenda. He will be meeting with the DPW on June 23rd and if approved, the work will be completed. He noted that he can't meet with the Planning Board until July, since that's when this Board will be meeting again, and requested the timeline extension. Regarding the temporary Certificate of Occupancy, he is seeking an extension until the end of July (he indicated that the Building Department would be agreeable if the Planning Board approved the extension). He also noted that it would take longer to get an updated letter of credit than to actually complete the work in the subdivision. He stated that he completed everything possible that could be done without the license.

A motion was made by John Sousa to grant an extension to July 31, 2015, which was seconded by Lorri-Ann Miller, and unanimously voted (5-0).



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(6) Chapter 61A – First Option to Purchase
780 Collins Corner Road – Dale Zacamy

The Planning Director reviewed the property description with the Board and did not feel that it met enough of the criteria to recommend exercising the Town's first option to purchase the land, noting that the Conservation Commission voted to not recommend.

Chairman Avila explained that the property is in close proximity to both the town-owned Dartmouth Regional Parks and Trails off of Old Fall River Road and the Barzabiel Washburn Reserve off of Collins Corner Road, which is owned by the Dartmouth Natural Resources Trust (DNRT). Chairman Avila believed that the DNRT may have some interest in this property. He also spoke with Gloria Bancroft, who was unable to attend this meeting due to a personal obligation, but she expressed interest in providing an easement on her property which would allow for easy access to the property.

Discussion ensued. The Board felt that it should recommend purchasing the land, and if the Town is unable to purchase, it should try to pass the right to purchase to another agency such as the DNRT.

A motion was made by John Sousa to recommend that the Select Board purchase the above-referenced property or assign the option to purchase to DNRT. This motion was seconded by Joseph Toomey, and unanimously voted (5-0).

(7) Off-Street Parking Plan – Hope Evangelical Church
88 Hathaway Road

The Planning Director reviewed the parking plan with the Board, which shows 12 parking spaces to be located in front of the Hope Evangelical Church. He showed the proposed landscaping, noting that 10% of the area to be disturbed will be landscaped.

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously voted (5-0) to approve the off-street parking plan.

(8) Discussion: Possible Rezoning Request for Property identified on Map 52 as Lot 8 from Single Residence B District to General Business District (Property Owner – 449 Reed Road LLC)

This item was withdrawn and not discussed.



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(12) Planner's Report

- **Abutter's Notification**

The Planning Director questioned whether notification should be sent Certified Mail rather than standard. The Planning Board determined that standard mail has never been a problem, and did not want to burden the applicant with the additional expense. It was noted that the option to send Certified Mail is always available to any applicant that preferred this method.

- **Rte. 6 Gateway Zoning**

The Planning Director questioned the Board's position on this topic. The Board stated that it is not high on the priority list.

- **Aquifer Study (Rte. 6 LID Study)**

The Planning Director reaffirmed the Board's position that it is not in favor of increasing development (as stated in the October 2014 letter to the Select Board).

- **Master Plan Update**

The Planning Director questioned whether the Board wanted to work on updating the Master Plan, since it was last done in 2007. After some discussion, the Board determined there was time to wait since there are higher priorities to work on at this time.

Subcommittee Reports

- Lorri-Ann Miller – SRPEDD Commission

Mrs. Miller informed the Board that Dartmouth has two of the top 100 dangerous intersections according to SRPEDD. She will forward the report to the Planning Director.

(10) Discussion: Draft Sign Bylaw

The Planning Director forwarded SRPEDD's Draft Sign Bylaw dated May 27, 2015 to the Board. The Board determined that since the Select Board is working on a general bylaw that could impact the zoning bylaw, this discussion should be tabled and readdressed after the Select Board's general bylaw is completed.



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(11) Long Range Planning – Site Plan Review

The Planning Board will discuss this topic at its next meeting. The Planning Director will write a cover letter and highlight the changes that were made to the 3-24-15 draft.

Chairman Avila suggested that Site Plan Review could potentially be a trigger for Sign Review.


The Board would like to add one meeting a month to its schedule to only address Site Plan Review, but will continue to keep it on every agenda to address if time allows. (Starting in October 2015).

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

A motion was made Lorri-Ann Miller, duly seconded by Kevin Melo, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:10 p.m.

The next Planning Board meeting is scheduled for July 13, 2015 in Room #315, Town Office Building, 400 Slocum Road.

APPROVED BY:
The Dartmouth Planning Board



Respectfully submitted,
Jane Kirby
Planning Aide