



PLANNING BOARD PUBLIC HEARING MINUTES

September 28, 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

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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Administrative Items

- (1) **Minutes**
Regular Meeting of September 14, 2015

A motion was made by Lorri-Ann Miller, duly seconded by John Sousa for discussion, and unanimously voted (5-0) to approve the above-referenced minutes as amended.

- (2) **Correspondence**
Legal Notices from Dartmouth Conservation Commission
Legal Notices from Westport Zoning Board of Appeals

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

- (3) **Subdivision Improvement Timeline Extension Request**
RE: Village at Cedar Dell

Present: Attorney Greg Koldys

The Planning Director explained that the developer would like to extend the deadline for completing the road improvements in the Village at Cedar Dell Subdivision located off Fisher Road. The current deadline is October 1, 2015, and the developer would like to extend it to July 1, 2016 (9 months). 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 original 3-month extension was to allow for the installation of the cellar drains, which have been done to the satisfaction of DPW.

Attorney Koldys reiterated that the drainage has been completed to the satisfaction of the DPW, and requested the timeline extension.



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A motion was made by Lorri-Ann Miller to allow the timeline extension to July 1, 2016, which was duly seconded by Joseph Toomey, and unanimously voted (5-0).

Public Hearing

- (4) **7:05 P.M. Scenic Road Tree Removal Request**
315 Smith Neck Road Sally Aldrich

Present: Sally Aldrich, Applicant

Chairman Avila asked for a motion to recess the Board's regular meeting in order to open the public hearing¹ for a tree removal request for property owned by Sally Aldrich and located at 315 Smith Neck Road.

A motion was made by Lorri-Ann Miller to recess the regular Planning Board meeting for the 7:05 p.m. Scenic Road Tree Removal Request public hearing. This motion was seconded by Kevin Melo, and unanimously voted (5-0).

The Planning Board resumed its regular meeting at 7:30 p.m.

Administrative Item

- (5) **Action on Scenic Road Tree Removal Request**
315 Smith Neck Road Sally Aldrich

Chairman Avila asked the Planning Director for his recommendation.

The Planning Director based his recommendation on the Tree Warden's correspondence that the tree is healthy, and the fact that there is a circular driveway on the property. He recommended denying the request to remove the tree.

Board members concurred with the Planning Director, citing that the concerns expressed at the public hearing could be remedied by trimming the foliage on the property and by utilizing the circular driveway rather than backing out onto the street.

John Sousa motioned to deny the tree removal request, which was seconded by Joseph Toomey, and unanimously voted (5-0).

¹ For more information, see public hearing minutes for
"Scenic Road Tree Removal Request – 315 Smith Neck Road"



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Public Hearing

(6) 7:30 P.M. Definitive (OSRD) Subdivision entitled "Sagamore Estates II"

Chairman Avila asked for a motion to recess the Board's regular meeting in order to open the public hearing² for a proposed two-lot subdivision for property located off Sagamore Drive, identified on Town Assessor's Map 131 as Lot 61, and owned by Jose T. DeSousa.

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

The Planning Board resumed its regular meeting at 7:45 p.m.

Administrative Items

(7) Action on Definitive (OSRD) Subdivision entitled "Sagamore Estates II"

The Planning Director reminded the Board that two separate votes will be required for this proposal; one for the Special Permit and another for the Definitive Subdivision Plan. He noted that a 9th condition was added to the draft Certificate of Action for the Special Permit as a result of the public hearing regarding the markers at the rear property line to prevent wetland disturbance.

He also recommended that the Board eliminate condition #3 of the draft Certificate of Action for the Definitive Subdivision Plan, which was a carryover condition from the originally approved subdivision for this site and is not applicable now that the public right of way has been eliminated.

The requested waivers were reviewed and discussed in detail. The waivers were from regulations that have to do with roadways, and no road is proposed with this subdivision.

John Sousa motioned to approve the Certificate of Action for the Special Permit, as amended. This motion as seconded by Lorri-Ann Miller for discussion.

The stone wall waiver was questioned.

Steve Gioiosa clarified by noting that the open space stonewalls will not be touched. He explained that there is a stone retaining wall on Sagamore Drive that will need to be disturbed in order to create the lots. The Planning Director had visited the site

² For more information, see public hearing minutes for Definitive (OSRD) Subdivision entitled "Sagamore Estates II"



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and stated that although it is called a "stone wall", it isn't a typical stone wall where the stones needed to be preserved but rather stones that only need to be preserved to maintain the grade and function of a retaining wall.

A member questioned whether the general public will be able to access the open space parcel or if access is proposed for the two lot owners only.

Mr. Gioiosa stated that the original approval allowed for access for the general public through the subdivision. With this new plan, the physical access to the open space comes from property owned by the Town and that if general public access is a condition, his client would not object.

A condition will be added to the draft Certificate of Action for the Special Permit to give the general public the right to be on the open space parcel since it abuts property owned by the Town.

Chairman Avila asked for a roll call vote on the motion to approve the Certificate of Action for a Special Permit, as amended.

Kevin Melo – yes; John Sousa – yes; Lorri-Ann Miller – yes; Joseph Toomey – yes; and Joel Avila – yes.

Chairman Avila asked for a motion on the Definitive OSRD Subdivision plan.

A motion was made by John Sousa to approve the Certificate of Action for the Definitive Subdivision plan, as amended. The motion was seconded by Kevin Melo, and unanimously voted (5-0).

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.



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- 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 21,761 square feet and the minimum upland requirement to be 20,958 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 88.34 feet of frontage.

Section 4B.404 - Building Setbacks: to allow a 30-foot minimum building setback from Sagamore Drive and 10-foot minimum from side property lines.

The Planning Board grants the Special Permit for "Sagamore Estates II" 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 II

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>
None	-	7/15/15
Subdivision Density Plan	1 of 2	7/15/15
Existing Conditions	2 of 2	7/15/15

2. The Planning Board grants the Special Permit in conformance with the Certificate of Action for a Definitive (OSRD) Subdivision Plan dated September 29, 2015 for "Sagamore Estates II".
3. The Special Permit is only approved for two (2) buildable lots.



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4. A Trust Document satisfying the requirements of Section 6.801 and 6.802 of the Dartmouth Zoning Bylaws shall be approved by the Planning Board prior to endorsement of the subdivision plan.
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 the construction of the subdivision.
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 in good condition, and this requirement noted in the Trust Document.
8. 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
9. Three markers on the property lines of lots 1 & 2 shall be placed 50' from the rear property line indicating "Area of No Disturbance".
10. Public access shall be allowed in the open space area.

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.

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



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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.

The approved Definitive Subdivision Plan consists of the following:

Subdivision Plan of Sagamore Estates II

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>
None	-	7/15/15
Subdivision Density Plan	1 of 2	7/15/15
Existing Conditions	2 of 2	7/15/15

The conditions of approval are listed below:

1. This Definitive Plan is subject to an Open Space Residential Design Special Permit dated September 29, 2015.
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.

In accordance with M.G.L., Chapter 41, Section 81R, and as part of the Board's approval of said plan, the following waivers from its Subdivision Regulations were granted:



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1. Section 3.100 – Submission Requirements: regarding subdivision roadway construction and review, as access will be directly gained from Sagamore Drive.
2. Section 3.300 – Roadway Construction Requirements: no subdivision street is being built
3. Section 3.315 – Stonewall Protection: to not require full replacement

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. 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.

(8) **Endorsement of Approval Not Required (ANR) Plan**

1039 Reed Road Leonard & Cynthia Grandfield

September 11, 2015

Also Present: John Barry, Applicant (REB, LLC)
Terry McGovern, Surveyor - Morse Engineering

The Planning Director reviewed the ANR plan, explaining that it divides one lot into 3 lots. One is a residential lot (existing dwelling at 1039 Reed Road) conforming to the SRB standards (200’ of frontage), and two lots are conforming to the Light Industrial District standards (150’ of frontage). He stated that the interesting issue at hand is that the subject property is a split-zoned lot. While the majority of the area for Lot 2 is in the LI district, a majority of the frontage is in the SRB district, which does not conform to the minimum required.

Mr. McGovern reviewed the ANR plan in detail for the Board, which showed a highlighted zoning line. He stated that the proposed use for Lot 2 would be a Limited Industrial use, and development would be limited to the Limited Industrial portion of the lot. He noted that the lot is also located in the Aquifer Protection District, and any future construction would have to meet the standards for both the Aquifer Protection and Limited Industrial Districts. He stated that there is not a lot of case law for handling lots like this.

The Board discussed this unusual ANR situation; noting that the majority of the Lot 2 would be located in the Limited Industrial District with access to Lot 2 proposed through the Residential District.

The Planning Director stated that the zoning line appears to have been arbitrarily



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drawn. He suggested that if the Board determines that an ANR endorsement cannot be given due to lack of frontage, then the other available options would be to rezone all of Lot 2 to Limited Industrial, or seek a variance for the frontage of Lot 2. He believed that both options seemed appropriate since the zoning line for the Limited Industrial District appears to be an arbitrary line, drawn 1500' from the railroad. He noted that courts have ruled that zoning lines based on arbitrary distance not taking into account property boundaries have been deemed invalid, and any rezoning to correct have survived spot zoning challenges. He stated that if rezoning or a variance request would ultimately lead back to Lot 2 being created, endorsement of this ANR seemed appropriate as it would be more expeditious.

Discussion ensued in terms of whether there was potential to further subdivide the land. The Planning Director reminded the Board that another ANR would need to be submitted, and Variances through the Zoning Board of Appeals would need to be granted.

John Barry explained that residential lots could not be created on this parcel due to the lack of area. (SRB zoning requires 2 acre lots).

The Planning Director stated that he spoke with the Zoning Enforcement Officer regarding this ANR, and the ZEO would view Lot 2 as a Limited Industrial lot if the ANR is approved. (Lot 2 has adequate frontage for a Limited Industrial lot, but not for Single Residence B).

The Board noted that 7 out of 9 acres is zoned Limited Industrial. The Board felt comfortable knowing that the ZEO would issue a building permit for a Limited Industrial lot if this plan was approved.

Lorri-Ann Miller motioned to approve the ANR plan for 1039 Reed Road, which seconded by Joseph Toomey, and unanimously voted (5-0).

(9) Lot Release Request – The Village at Lincoln Park

Also Present: Attorney Jay Williams

The Planning Director explained that the applicant would like to have lots 1-10 released from the covenant, which would leave 16 lots under a covenant. The Subdivision Regulations require that 15 lots be held (1/4 of 57 total lots). The Town currently holds \$150,000 surety, which is good until June 6, 2018 and is adequate to cover the remaining cost of construction (\$149,516). The Planning Director recommended the release of Lots 1 through 10.

A motion was made by John Sousa, which was seconded by Joseph Toomey for



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discussion.

Attorney Williams thanked the Board. Chairman Avila asked for a vote on the motion to approve.

The Board voted (4-1 abstain). Kevin Melo abstained from voting.

(10) Chapter 61A – First Option to Purchase

482 Smith Neck Road

Brownell

Map 20, Lot 12 & 19-1

The Planning Director explained that this 110 acre property is located on Smith Neck Road and will continue to be in agricultural use and in Chapter 61A. Therefore, if a conversion were to take place in the future, the Town would still have the right of first refusal.

John Sousa motioned to NOT recommend purchasing the property, which was seconded by Kevin Melo for discussion.

Chairman Avila questioned if the "criteria sheet" used to make determinations for recommendations would be sent along with a letter to the Select Board. The Planning Director stated that yes; the criteria sheet would be attached to the Planning Board's letter. Chairman Avila did not feel it was applicable in this situation since the land will remain in Chapter 61A with this change of ownership. The Planning Director will forward a letter from the Planning Board without the criteria for making determinations.

Chairman Avila asked for a vote at this time.

The Board unanimously voted (5-0) to send the letter to the Select Board to NOT recommend purchase.

(12) For Your Information/New Business (*agenda item taken out-of-order*)

- Planner's Report

Open Space Priority List – Select Board Meeting

The Planning Director reminded the Board it requested a meeting with the Select Board to discuss properties that could be considered a priority for purchase by the Town. Chairman Avila felt that if there is a critical issue due to the impending sale of a priority property, a meeting should be scheduled with the Select Board and Conservation Commission in order to review this topic and discuss ways for the Town to be proactive.



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Discussion ensued. The Board noted that property availability could change the Open Space Priority List. The Planning Director will forward the current priority list to Board members prior to the meeting.

The Planning Director stated that the joint meeting with the Select Board is scheduled for October 5, 2015. Chairman Avila will not be available on that date. The Planning Board will meet with the Select Board on October 19th if that date is available. If not, the Planning Board will meet with the Select Board on October 5th without Chairman Avila.

Clerical Reclassification Study

Chairman Avila requested this topic be discussed. Copies of the Clerical Reclassification study were handed out to Board members. The Reclassification Study recommended that the Planning Aide position be downgraded one classification.

The Planning Director suggested that there was not enough information provided with the Reclassification Study to make a comment. He stated that the Personnel Director interviewed the former Planning Director, and he was not involved in the process.

Chairman Avila wanted the Board to be aware that this study was done, and to be aware of the recommendation. Discussion ensued

It was noted that the Planning Department used to have a staff of four people, which has been reduced to just the Planning Director and Planning Aide. The general feeling was that the Planning Aide position absorbed more duties rather than less. The Board agreed that not enough information was provided to have an opinion since no criteria to how recommendations were made were submitted to support the Personnel Director's recommendation.

Section 16: Off-Street Parking Plans/Exempt Uses

The Board had authorized the Planning Director to write a letter to the Zoning Enforcement Officer regarding whether Section 16 applies to exempt uses such as agricultural, religious, and educational uses. The ZEO asked for Town Counsel's opinion, who responded that Section 16 does apply for exempt uses. Town Counsel's opinion letter was not part of the Board's informational packet since it is confidential.

498 Old Westport Road – J.B.Lanagan & Co., Inc. - Special Permit Application

The Planning Board received correspondence from neighbors opposing the Special Permit request from the Zoning Board of Appeals to change an existing non-conforming use (sand and gravel excavation business) to use the property as the headquarters for the petitioner's excavation business, which will include



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stockpiling of materials.

The Planning Director had forwarded his recommendation letter to the Zoning Board of Appeals, who will be holding its public hearing on September 29, 2015. The Board stressed that the Zoning Board of Appeals is the granting authority for this case and not the Planning Board, noting the opposition letters should be forwarded to the ZBA. The Planning Director stated that numerous Town Departments received the same letters, and he was sure the ZBA did as well.

Discussion ensued. One member felt that the sand and gravel business has not been active in years. The Planning Director stated that he reviewed the application prior to writing his recommendation later, which included the petitioner's documentation for how the business has been in continuous operation. He stated that the Zoning Board will have to determine whether or not the documentation is valid or not.

A Board member stated that the owner came before the Planning Board when student housing was proposed for the property and wondered if anything was said at that meeting regarding the sand and gravel business. The Planning Director will review the minutes and tape of that meeting, and will forward any found information to the Board.

A Board member stated that he is on the Soils Board, and can check to see if the owner has maintained an active permit with that Board.

Discussion concluded.

(11) Long Range Planning – Site Plan Review Bylaw

Due to the late hour, the Board did not discuss this agenda item. The Board will devote its October 26th meeting to site plan review.

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

A motion was made by Lorri-Ann Miller, duly seconded by Kevin Melo, and unanimously voted (5-0) to adjourn this evening's regular meeting at 9:43 p.m.

The next Planning Board meeting is scheduled for October 19, 2015, in Room #315, Town Office Building, 400 Slocum Road.

APPROVED BY:

The Dartmouth Planning Board



Lorri-Ann Miller, Clerk

Respectfully submitted,
Jane Kirby
Planning Aide



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Mr. Kevin A. Melo

Planning Staff

Mr. John Hansen, Jr., Planning Director

The Chairman opened the public hearing¹ at 7:30 p.m. concerning a proposed two-lot subdivision for property located off Sagamore Drive, identified on Town Assessor's Map 131 as Lot 61, and owned by Jose T. DeSousa.

The applications were submitted to the Planning Board Office on September 1, 2015.

All Planning Board members and Planning Staff were present.

Also Present: Steven Gioiosa, P.E., SITEC, Inc.
 Roseann Kvietkauskas, Abutter - 13 Algonquin Drive

Chairman Avila reviewed public hearing procedure for those present.

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

The Planning Director noted that this proposed subdivision will replace the previously approved 4-lot subdivision for this property. No correspondence was received.

Chairman Avila invited Steven Gioiosa to speak at this time.

Mr. Gioiosa reviewed the submitted OSRD site plan in detail for the Board. He also reviewed a conventional site layout, which could create 5 single-family homes with subdivision road. He noted that the Planning Board approved the 4-lot subdivision in November 2014 and no appeal was filed; and the wetland alterations were reviewed and approved by the Conservation Commission in December. He stated that the applicant reviewed the cost benefit for the project and determined the two-lot OSRD plan would be a better and less costly design. The new proposal creates a large, contiguous open space parcel in the rear portion of the land, with the construction activity on Sagamore Drive, which would eliminate the wetland reconstruction needed with the 4-lot OSRD design. He also noted that the proposed half acre lots are almost double the size of the

¹ For more information, see minutes of the Planning Board's regular meeting of September 28, 2015



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lots in the immediate neighborhood. He concluding by reviewing the requested waivers.

Board members discussed the wetlands on the property, and suggested marking the wetland area as a no activity zone (50' from the rear property line of the newly created lots).

Chairman Avila asked the Planning Director for a recommendation. The Planning Director recommended closing the public hearing.

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

A motion was made by John Sousa, duly seconded by Joseph Toomey, and unanimously voted (5-0) to close the public hearing and take action on this Definitive Subdivision and Special Permit request in the Board's regular meeting.

8:00 p.m. public hearing closed.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The **Dartmouth** Planning Board
Lorri-Ann Miller

Lorri-Ann Miller, Clerk



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Scenic Road Tree Removal Request – 315 Smith Neck Road
Meeting Room #315
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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

The Chairman opened the public hearing¹ at 7:05 p.m. concerning a request to remove one tree located at 315 Smith Neck Road.

The application was submitted to the Planning Board Office on September 1, 2015.

All Planning Board members and Planning Staff were present.

Also Present: Sally Aldrich

Chairman Avila reviewed public hearing procedure for those present.

Lorri-Ann Miller motioned to waive reading the legal notice into the record, which was seconded by Kevin Melo, and unanimously voted (5-0).

The Planning Director stated that the application is dated September 1, 2015 for the removal of one tree. Both the Tree Warden and the Safety Officer were notified. Correspondence received by email from David Hickox, Tree Warden, who wrote that the tree was healthy and would not be considered for removal under normal circumstances. Photo exhibits were submitted with the application.

Chairman Avila invited the applicant to speak.

Sally Aldrich said she's lived at 315 Smith Neck Road since 1974, and was joined by her daughter and her two children in 2010. She stated that the request is being made for safety purposes, and explained that she's having difficulty backing out of her driveway. She also stated that the school bus driver has difficulty seeing her grandchildren and the adults waiting at the bus stop, and people can't see her when she gets her mail or newspaper. She agreed that the oak tree is healthy, but is too close to the road because of the width of the trunk, and is not beautiful to look at due to the power lines running through it.

¹ For more information, see minutes of the Planning Board's regular meeting of September 28, 2015



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Chairman Avila invited public comment. No public comment was received.

Board members questioned the applicant. Sally Aldrich submitted more photos for Board review. The Board felt that the children could move to a safer location when waiting for the school bus rather than behind the tree.

The Board, noting that there is a circular driveway on her property, questioned why she would need to back out onto the street. Sally Aldrich responded that her daughter parks there, and in the winter the circular driveway doesn't get shoveled. She stressed that it's a safety issue.

A Board member stated that the existing foliage on the property could be trimmed back to improve visibility. Sally Aldrich argued that it would not improve visibility because the area of needed visibility is where the tree is located.

Chairman Avila asked if there were any additional questions or comments. None were received.

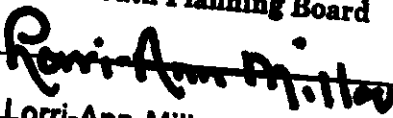
Chairman Avila asked the Planning Director for a recommendation. The Planning Director recommended closing the public hearing.

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

A motion was made by John Sousa, duly seconded by Kevin Melo, and unanimously voted (5-0) to close the public hearing at and take action on this Tree Removal request in the Board's regular meeting. 7:30 p.m. public hearing closed.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Dartmouth Planning Board



Lorri-Ann Miller, Clerk
