

MINUTES OF REGULAR PLANNING BOARD MEETING OF NOVEMBER 15, 2010
Held at 7:00 p.m., Planning Board Meeting Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

Mr. John V. Sousa, Chairman
Mr. John P. Haran, Vice Chairman
Mr. Joseph E. Toomey, Jr., Clerk
Mrs. Lorri-Ann Miller
Mr. Arthur C. Larrivee

Planning Staff

Mr. Donald A. Perry, Planning Director
Mrs. Joyce J. Couture, Planning Aide

The Chairman called the meeting to order at 7:01 p.m. with all Planning Board members and Planning staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of November 1, 2010

A motion was made by Mr. Haran, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve the minutes of the regular Planning Board meeting of November 1, 2010 as written.

Public Hearing of November 1, 2010 “Special Permit for Roland Valois”

A motion was made by Mr. Toomey, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to approve the minutes of the public hearing of November 1, 2010 “Special Permit for Roland Valois” as written.

(2) Correspondence

Legal Notices from City of Fall River
Legal Notices from Town of Westport
Letter from Anthony C. Savastano dated November 3, 2010

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

It was noted that the opinion letter from Anthony C. Savastano regarding the discontinuance of private streets would be discussed later this evening under For Your Information.

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(5) Update on Project Timeline Chart

The Planning Director mentioned the Planning Board will be meeting with Town Counsel on December 6th to discuss the updated Section 16 zoning.

(6) Time extension request on deadline to complete required improvements in the Definitive Subdivision entitled "John Alden Farm – East"

The Planning Director noted the Board agreed at their last Planning Board meeting to consider granting this time extension request to extend the deadline on completing required improvements in the Definitive Subdivision entitled "John Alden Farm – East". The deadline was November 7, 2010 and it was previously pointed out that the letter of credit has been written to cover this project, as well as another project, entitled "John Alden Farm – West" with an expiration date of December 28, 2011.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and so voted (4-0) with Mr. Sousa abstaining to extend the deadline to complete required improvements in the Definitive Subdivision Plan entitled "John Alden Farm (East)" from November 7, 2010 to November 7, 2011.

(7) Time extension request on deadline to complete required improvements on the Definitive Subdivision entitled "Estate on Heather's Hill"

As with the previous agenda item, the Planning Director stated the Board agreed to entertain this request at their last Board meeting. The deadline was November 4, 2010 and the developer has cash posted for this subdivision. Planning staff reconfirmed with the Treasurer's Office that the cash surety is still being held.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee for discussion, and unanimously voted (5-0) to extend the deadline to complete required improvements in the Definitive Subdivision entitled "The Estate on Heather's Hill" from November 4, 2010 to November 4, 2011.

(8) Release of lots in the Definitive OSRD Subdivision entitled "Randall Medeiros Estates"

The Planning Director stated he conducted a site inspection to verify that the applicant has completed the requirements conditioned in the Special Permit regarding signs, fencing, and recording of documents. Mr. Perry confirmed that everything was complete.

A motion was made by Mr. Haran, duly seconded by Mr. Toomey, and unanimously voted (5-0) to release lots 1, 2, 3, and the Open Space parcel in the Definitive OSRD Subdivision entitled "Randall Medeiros Estates".

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(12) Initial review of Off-Street Parking Plan entitled “Panagakos Development, 341 State Road

The Planning Director described a plan which proposes to redefine parking spaces for property at 341 State Road (former Pearle Vision Center). No new curb cuts are created and the area of paving for the parking facility remains the same. Mr. Perry also mentioned that handicapped access on the site would be improved.

Brief discussion ensued.

A motion was made by Mr. Haran, duly seconded by Mrs. Miller, and unanimously voted (5-0) to approve the Off-Street Parking Plan entitled “Panagakos Development, 341 State Road” prepared for Panagakos Development, P.O. Box 51327, New Bedford, MA 02745 to be located at 341 State Road. The Parking Plan was submitted to the Planning Office on October 12, 2010.

The Plans referred to in this action are listed below:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Site Layout Plan, Panagakos Development, 341 State Road	1 of 4	August 25, 2010
Landscaping Plan, Panagakos Development, 341 State Road	2 of 4	August 25, 2010
Existing Conditions Plan, Panagakos Development, 341 State Road	3 of 4	August 25, 2010
Detail Sheet, Panagakos Development, 341 State Road	4 of 4	August 25, 2010

Two sets of plans shall be submitted to the Planning Office.

The Director of Inspectional Services shall not issue a building permit until a letter is received from Planning staff and an approved plan is forwarded with the letter.

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

(13) Planner’s Report

- In reporting back to Board members, Mr. Perry mentioned Annual Town Reports are available on the Town’s website and he has so notified SRPEDD.
- Mr. Perry stated that he received a call from the developer of Walgreens who wanted the Town to know that the existing pizza business in the plaza will continue to operate during demolition and during construction of the new building and it will be the last section torn down.

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- The Planning Director mentioned that Andy Bobola, the acting Building Commissioner, had sent Peter Hawes' Solar Farm site plan to the Planning Office for approval of the parking. It was recommended by Mr. Perry that no new parking plan was needed because no new parking spaces are proposed and plenty exist on site already approved by the Planning Board.

Brief discussion ensued.

The Planning Board instructed Mr. Perry to send the Building Commissioner a letter informing him that the Planning Board discussed the above-referenced solar panel installation with respect to whether a formal Section 16 parking plan approval is needed from the Planning Board. It was the consensus of the Board that no formal approval from the Planning Board is required since the site already has a large paved parking facility approved by the Planning Board (the former Sports Dome), which has more than enough parking for the proposed uses and the existing uses. It was also noted that even if the solar installation needed parking spaces, any facility under five parking spaces does not need Planning Board approval but can be approved by the Building Commissioner with recommendations from Planning Staff. Since the proposed solar installation shows no parking spaces (which is under the five space threshold) the Planning Board recommended approval of the site plan as proposed on the plan entitled "Proposed Site Layout, Ground Mounted Solar Photovoltaic Installation, 968 Reed Road, Dartmouth, Massachusetts" and dated September 23, 2010.

Public Hearings

- (3) 7:15 P.M. – PUBLIC HEARING - Definitive (OSRD) Subdivision Plan entitled "Daxl Fields" which proposes to create a 3 lot subdivision with one 5.7 acre open space parcel created from a 10.5 acre tract of land located on the easterly side of Horseneck Road just north of the Almy Farm**

In a roll call vote, a motion was made by Mrs. Miller, seconded by Mr. Larrivee and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:15 p.m. in order to go into a public hearing¹ concerning a Definitive (OSRD) Subdivision Plan entitled "Daxl Fields".

Lorri-Ann Miller – yes; John Haran – yes; Joseph Toomey, Jr. – yes; Arthur Larrivee – yes; and John Sousa – yes.

The regular meeting resumed at 7:35 p.m.

¹ For more information, see minutes of Planning Board's Public Hearing of November 15, 2010 "Daxl Fields"

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Administrative Items

(9) Initial review of Definitive (OSRD) Subdivision Plan entitled “Daxl Fields”

Following the close of this evening’s public hearing, the Planning Director commented this plan has been laid out in accordance with the requirements of the OSRD By-Law and the Subdivision Regulations. Mr. Perry stated approval will require two votes. First, the Special Permit by roll call vote which requires a 4/5th vote. Second, a vote on the Definitive Subdivision Plan under the Subdivision Control Law. He proceeded to identify all the specific conditions and modifications to the draft certificates he had prepared for the Board’s consideration.

In a roll call vote, a motion was made by Mrs. Miller, duly seconded by Mr. Haran, and so voted (4-1) with Mr. Larrivee opposed, to approve the Special Permit for a Definitive OSRD Subdivision Plan entitled “Daxl Fields” in accordance with the following:

Lorri-Ann Miller – yes; Arthur Larrivee – no, John Haran – yes; Joseph Toomey, Jr. – yes; and John Sousa – yes.

Certificate of Action for a Special Permit OSRD Subdivision Plan entitled “Daxl Fields”

There was a Planning Board public hearing which was opened on Monday, November 15, 2010 and closed on Monday, November 15, 2010 regarding the application of Whitmore Boogaerts and Carolyn Almy, 26 Hart Street, Providence, RI 02906 who requested a Special Permit under the Dartmouth Zoning By-Laws, Section 6 - Open Space Residential Design (OSRD) to allow a reduction in lot frontage, lot area, lot shape, building setbacks, and driveway and parking requirements for house lots shown on a plan entitled “Daxl Fields” dated September 30, 2010 for property owned by Katherine Almy, Nicholas Almy, and Barbara Almy. The plan submitted to the Planning Board and Town Clerk on October 14, 2010 proposes to create 3 buildable lots with 1 open space parcel from land (Assessor’s Map 4, Lot 5-5) located on Horseneck Road.

Complete copies of the minutes of the public hearing and discussion of the Planning Board decision are available in the Town Clerk and Planning Board offices.

DECISION

At its regular meeting of November 15, 2010 and after the close of the above described public hearing, the Planning Board voted – Lorri-Ann Miller – yes, John Haran – yes, Joseph Toomey, Jr. – yes, Arthur Larrivee – no, John Sousa – yes, to grant a Special Permit to the petitioner, Whitmore Boogaerts and Carolyn Almy, 26 Hart Street, Providence, RI 02906 for property owned by Katherine Almy, Nicholas Almy, and Barbara Almy (Assessor’s Map 4, Lot 5-5) for an OSRD development to allow a reduction in lot frontage, lot area, lot shape, building setbacks, and driveway and parking requirements for house lots in accordance with Section 6 of the Zoning By-Laws.

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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 conforms to existing topography and natural features better than a conventional development since the use of a common driveway minimizes grade and drainage changes to the land, as well as, consuming less land for development.
- The plan allows for greater flexibility and creativity in the design of this residential development by choosing the most appropriate house sites based on existing site features to preserve.
- The plan preserves a field which can be used for agriculture.
- The plan eliminates the construction cost and maintenance of a new street, utilities and public services, and develops the site in a more economical and efficient manner in harmony with the site and neighborhood.
- The plan preserves and enhances Dartmouth's traditional New England landscape by preserving a field which will be added to existing open space land.
- The plan minimizes the total amount of disturbance on the site.
- The plan does not create more buildable lots than could be allowed by a conventional subdivision plan.

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

Section 4B.401, Lot Area - to allow 65,000 square feet as the minimum required lot area and the minimum required upland area.

Section 4B.402, Lot Shape - to allow the lot shapes as shown on the plan for the lots.

Section 4B.403, Lot Frontage - to allow 100 feet, minimum frontage.

Section 4B.404, Setbacks - to allow a 10-foot minimum setback from all lot lines or right-of-way lines except that the setback from Horseneck Road shall be at least 60 feet.

Section 4B.407, Driveway and Parking Setbacks - to allow a 5-foot minimum setback from property lines for parking and driveways (also without the requirement for an evergreen screen) on the property.

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The Planning Board grants the Special Permit for "Daxl Fields" 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 plan entitled "OSRD Subdivision Plan of Daxl Fields" dated September 30, 2010.
2. The Planning Board grants the Special Permit in conformance with the Certificate of Action for a Subdivision Plan dated November 16, 2010 for a plan entitled "Daxl Fields".
3. The Special Permit is only approved for three 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.
5. In accordance with Section 6.802, a conservation restriction, meeting the requirements of Section 6.802, shall be provided prior to release of lots in the subdivision plan. The Planning Board may allow release of some lots at its discretion as long as sufficient lots are held to ensure compliance with this condition.
6. The open space boundary where it abuts the three lots shall be readily identified by concrete bounds/drill holes at the corners of the lots. A minimum 1' x 1' sign stating "Open Space Boundary" shall be provided on the open space boundary line between the corners of each lot. 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 shall be maintained in good condition, and noted in the Trust Document.
7. The OSRD Trust document shall include provisions for:
 - a. Maintenance of the common driveway with respect to road surface, snow plowing, and vegetation clearance of driveway shoulders.
 - b. Maintenance of boundary delineation markers and signs.
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.

All conditions of approval shall be met within one (1) year 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.

Next, the Planning Board voted under the Subdivision Control Law. A motion was made by Mrs. Miller, duly seconded by Mr. Haran, and so voted (5-0) to approve the Definitive (OSRD) Subdivision Plan entitled "Daxl Fields" in accordance with the following certificate of action:

Certificate of Action for a Definitive (OSRD) Subdivision Plan entitled "Daxl Fields"

Pursuant to M.G.L., Chapter 41, Section 81U, (The Subdivision Control Law), you are being notified that the Planning Board, at its regular meeting of November 15, 2010, approved with conditions the Definitive OSRD Subdivision Plan entitled "Daxl Fields" for a 3 lot subdivision on Horseneck Road.

The plan was prepared by Boucher & Heureux for Whitmore Boogaerts and Carolyn Almy for land owned by Caroline Almy, Katherine Almy, Nicholas Almy and Barbara Almy. The plan was submitted to the Planning Board office on October 14, 2010. The applicant is also requesting a Special Permit for Open Space Residential Design, as provided for in Section 6 of the Zoning By-Laws, to allow a reduction in frontage, area, lot shape, driveway setback, and setback requirements for buildings.

The approved Definitive Subdivision Plan consists of the following:

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<u>Title</u>	<u>Sheet</u>	<u>Date</u>
OSRD Subdivision Plan of Daxl Fields	1 of 1	September 30, 2010

The conditions of approval are listed below:

1. This Definitive Plan is subject to an Open Space Residential Design Special Permit dated November 16, 2010.
2. Add the following note to the plan: "The Planning Board has allowed under the Scenic Road Bylaw, two openings in the stonewall each a maximum of 18 feet wide. The locations of these openings are shown on the plan.
3. Show the two, 18-foot wide driveway openings on the plan.
4. Plant 7 "Valley Forge" American Elms along Horseneck Road, (Three in front of lot 1, two in front of lot 2, two in front of lot 3).
5. The open space boundary where it abuts the three lots shall be readily identified by concrete bounds/drill holes at the corners of the lots. A minimum 1' x 1' sign stating "Open Space Boundary" shall be provided on the open space boundary line in the middle of each lot. 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 and shall be placed as a note on the plan. The locations of such markers and signs shall be shown on the plan with specifications.
6. A properly executed covenant shall be prepared by the applicant and noted on the plan and recorded at the Registry of Deeds that lots 1, 2, and 3 cannot be separated in ownership until the following occurs:
 - A. The plan is revised in accordance with the conditions above, as well as, any revisions listed in the Special Permit OSRD Certificate.
 - B. Seven copies of the revised plan are delivered to the Planning Office.
 - C. The revised subdivision plan is recorded at the Registry of Deeds and a copy of the recorded plan is delivered to the Planning Office including a copy of the recorded conservation restriction.
 - D. The Planning Board approves the deed restriction on the open space parcel for conservation purposes or the property is transferred to an appropriate conservation organization. The Planning Board may allow release of some lots at its discretion as long as sufficient lots are held to ensure compliance with this condition.

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- E. The 7 trees along Horseneck Road are planted.
 - F. The boundary delineation markers and signs are installed.
7. The Director of Inspectional Services shall not issue a building permit for lots 1, 2, and 3 until a lot release signed by the Planning Board is delivered to the Building Department for the lot requested to be built upon.

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:

- 3.303 Streets
- 3.304 Curbing
- 3.305 Shoulders
- 3.306 Pedestrian Circulation
- 3.308 Street Signs
- 3.309 Street Monuments, except monuments shown on the plan shall be installed.
- 3.310 Drainage
- 3.311 Water Service
- 3.312 Sewer Service

The above waivers are needed because the applicant is submitting a "subdivision plan" that creates no new roads and has chose 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 agricultural land and the existing rural character of the neighborhood.

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

(10) Action on Scenic Road Request for Horseneck Road

Next, and after the duly held public hearing, Mr. Perry stated this action is needed to provide openings for the two driveway curb cuts for the Daxl Fields OSRD Subdivision which was approved this evening.

A motion was made by Mrs. Miller, duly seconded by Mr. Haran for discussion, and unanimously voted (5-0) to grant the request by Whitmore Boogearts and Carolyn Almy and allow the construction of two 18-foot wide driveway openings to provide access to lots located off Horseneck Road (Assessor's Map 4, Lot 5-5).

The Dartmouth Planning Board voted to grant permission to remove portions of the stonewall with the following conditions:

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1. The applicant is allowed to have a final opening no more than 18 feet wide in the stonewall in two locations. The area of removal is shown on the OSRD Subdivision Plan entitled "Daxl Fields" dated September 30, 2010.
 2. Upright stone pillars or squared stones shall frame the new openings. The upright pillars or squared stones shall be older stone to match the aged stonewall.
- (4) 7:45 P.M. – PUBLIC HEARING - Definitive (OSRD) Subdivision Plan entitled "Riverside Woods" which proposes to create a 10-lot subdivision with 2 open space parcels from a 20 acre tract of land located on the east side of Chase Road just south of Old Westport Road.**

In a roll call vote, a motion was made by Mrs. Miller, seconded by Mr. Larrivee and unanimously voted (5-0), to recess the Planning Board's regular meeting at 7:49 p.m. in order to go into a public hearing² concerning a Definitive (OSRD) Subdivision Plan entitled "Riverside Woods".

Arthur Larrivee – yes; Lorri-Ann Miller – yes; John Haran – yes; Joseph Toomey, Jr. – yes; and John Sousa – yes.

The regular meeting resumed at 9:34 p.m.

Administrative Items

(11) Initial review of Definitive (OSRD) Subdivision Plan entitled "Riverside Woods"

The Planning Director stated this 10-lot OSRD subdivision plan is for property located on the east side of Chase Road just south of Old Westport Road. The plan has been laid out in accordance with the requirements of the OSRD Special Permit Bylaw and conditions and modifications for approval were identified prior to closing this evening's public hearing. Mr. Perry recommended the plan be approved.

In a roll call vote, a motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and so voted (4-1) with Mr. Larrivee opposed, to approve the Special Permit for a Definitive OSRD Subdivision Plan entitled "Riverside Woods" in accordance with the following:

Lorri-Ann Miller – yes; Arthur Larrivee – no, John Haran – yes; Joseph Toomey, Jr. – yes; and John Sousa – yes.

² For more information, see minutes of Planning Board's Public Hearing of November 15, 2010 "Riverside Woods"

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Certificate of Action for a Special Permit OSRD Subdivision Plan entitled "Riverside Woods"

There was a Planning Board public hearing which was opened on Monday, November 15, 2010 and closed on Monday, November 15, 2010 regarding the application of Gary and Jo-Ann Bouchard, P.O. Box 878, Westport, MA 02790 who have requested a Special Permit under the Dartmouth Zoning By-Laws, Section 6 - Open Space Residential Design (OSRD) to allow a reduction in lot frontage, lot area, building setbacks, lot coverage, and driveway and parking requirements for individual house lots shown on a plan entitled "Riverside Woods" for property owned by same (Assessor's Map 50, Lot 5). The plan was submitted to the Town Clerk and Planning Board on October 14, 2010.

Complete copies of the minutes of the public hearing and discussion of the Planning Board decision are available in the Town Clerk and Planning Board offices.

DECISION

At its regular meeting of November 15, 2010 and after the close of the above described public hearing, the Planning Board voted – Arthur Larrivee – no, Lorri-Ann Miller – yes, Joseph Toomey, Jr. – yes, John Haran – yes, John Sousa – yes, to grant a Special Permit to the petitioners, Gary and Jo-Ann Bouchard, P.O. Box 878, Westport, MA 02790 for an OSRD development to allow a reduction in lot frontage, lot area, lot shape, building setbacks, lot coverage, and driveway and parking requirements 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.
- The plan preserves open space adjacent to existing open space along the Paskamansett River and as such expands the buffer to the river.
- The plan provides physical access to protected lands along the Paskamansett River for passive recreation.
- 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 B 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 B District to be 35,000 square feet and the minimum upland requirement to be 35,000 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 a minimum of 90 feet.

Section 4B.404, Building Setbacks - to allow a 40-foot minimum building setback from Kyle Jacob Road and 10 feet from any other vehicular right-of-way. To allow a minimum of 10 feet from all other property lines.

Section 4B.406 and Section 20.510, Percentage of Lot Coverage – to allow 25% maximum lot coverage.

Section 4B.407, Driveway and Parking Setbacks - to allow a 5-foot minimum setback from property lines for parking and driveways (also without the requirement for an evergreen screen).

The Planning Board grants the Special Permit for “Riverside Woods” 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:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Lotting Sheet OSRD Subdivision Plan of Riverside Woods	1 of 5	October 5, 2010
Overall Grading & Utilities Plan Construction Plan of Riverside Woods	2 of 5	October 5, 2010
Road Plan & Profile Construction Plan of Riverside Woods	3 of 5	October 5, 2010
Baseline Profile “A” & Details Sheet 1 Construction Plan of Riverside Woods	4 of 5	October 5, 2010
Details - Sheet 2 Construction Plan of Riverside Woods	5 of 5	October 5, 2010

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2. The Planning Board grants the Special Permit in conformance with the Certificate of Action for a Definitive (OSRD) Subdivision Plan dated November 16, 2010 for "Riverside Woods".
3. The Special Permit is only approved for ten (10) 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.
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 berm 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. No motorized access is allowed on the open space except for property maintenance, emergency access, agricultural and forestry purposes. Bicycles are allowed.
9. The access easement running to the Tucker/Gidley Farm shall be defined in its new location on the plan.
10. The OSRD Trust Document shall include provisions for maintenance of 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. The Trust Document must be tailored to accommodate either the homeowners association or the Dartmouth Natural Resources Trust owning the open space parcels.
11. Four (4) parking spaces shall be provided at the trailhead of the open space between lots 7 and 8.
12. Access from Kyle Jacob Road shall be shown on the plan to the north open space parcel, preferably along the west boundary.

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13. 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.

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 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.

Next, the Planning Board voted to approve the subdivision plan under the Subdivision Control Law. A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and so voted (4-1) with Mr. Larrivee opposed to approve the Definitive (OSRD) Subdivision Plan entitled "Riverside Woods" in accordance with the following certificate of action:

Certificate of Action for a Definitive (OSRD) Subdivision Plan
entitled "Riverside Woods"

Pursuant to M.G.L., Chapter 41, Section 81U, (The Subdivision Control Law), you are being notified that the Planning Board, at its regular meeting of November 15, 2010, approved with conditions the Definitive Subdivision Plan entitled "Riverside Woods" for property located on the east side of Chase Road just south of Old Westport Road. The

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plan consisting of 5 sheets was prepared Gary and Jo-Ann Bouchard, P.O. Box 878, Westport, MA 02790 by Boucher & Heureux, Inc. and was submitted to the Planning Board office on October 14, 2010.

The approved Definitive Subdivision Plan consists of the following:

<u>Title</u>	<u>Sheet</u>	<u>Date</u>
Lotting Sheet	1 of 5	October 5, 2010
OSRD Subdivision Plan of Riverside Woods		
Overall Grading & Utilities Plan	2 of 5	October 5, 2010
Construction Plan of Riverside Woods		
Road Plan & Profile	3 of 5	October 5, 2010
Construction Plan of Riverside Woods		
Baseline Profile "A" & Details Sheet 1	4 of 5	October 5, 2010
Construction Plan of Riverside Woods		
Details - Sheet 2	5 of 5	October 5, 2010
Construction Plan of Riverside Woods		

The conditions of approval are listed below:

1. This Definitive Plan is subject to an Open Space Residential Design Special Permit dated November 16, 2010.
2. Boundary delineation markers are needed between the lots and the open space. 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. Such markers need to be identified and specified on the plans.
3. The access between lots 7 and 8 needs to show a graded, improved gravel trail at least five feet wide from Kyle Jacob Road to the dirt road system in the open space. A sign approximately 2' X 2' needs to be placed at the entrance to the trail stating "Access to Open Space, Pedestrian Use Only No Motorized Vehicles". The sign and location need to be specified on the plan including sign specifications. A split rail fence needs to be provided along the boundaries of lots 7 and 8 to define the open space access corridor. Four (4) parking spaces need to be provided in this area for use by the public and shown on the plan.

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4. Two additional types of trees need to be added to the trees to be planted along the road so that there are at least three types of trees to be planted. (It is recommended to use *Platanus Acerifolia* and *Acer Rubrum*). The three tree types need to be coded as to their locations on the plan. A replacement tree for the 24" tree removed on Chase Road needs to be provided nearby.
5. Five evergreen trees need to be added to the cul-de-sac island. It is recommended to use either white pine or white spruce.
6. Drainage pipes must be at least 2 feet deep to the top of the pipe including catch basin connections. The invert of catch basin #3 should be at approximately 79.55 and drain manholes #4 and #5 would need to be adjusted.
7. Hoods must be installed on all catch basin outlet pipes.
8. The drainpipe exiting the Drainage Outlet Structure should be ductile iron.
9. Additional drainage requirements specified by the Dartmouth Department of Public Works to protect the Town's drinking water supply shall be added to the plans.
10. The hydrants should be located at least 5 feet behind the Cape Cod berm.
11. The water service for Lot 5 must be connected into the 8" water main before the gate valve and reducer. All water services that cross over or under the low pressure sewer main must be sleeved to at least 10 feet away from the sewer main.
12. The low-pressure sewer main shall be PVC SDR-21 pipe. The connection into the proposed sewer manhole shall be directed into the invert so as to flow smoothly through the manhole.
13. Sewer services that cross over or under the water main must be sleeved to at least 10 feet away from the water main.
14. Sewer manhole frames and covers shall be East Jordan Iron Works (formerly LeBaron) Cat. No. LT103A/L24C7 or approved equal. Manhole risers shall be Ladtech, Inc. HDPE adjusting rings and a flexible internal seal shall be installed between the precast concrete top section and the metal frame as manufactured by Cretex Specialty Products. Also, all joints between manhole sections shall be sealed externally with Cretex Wrap as manufactured by Cretex Specialty Products.
15. A street sign must be installed at the beginning of the roadway.

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16. The sidewalk note should be deleted from the cross-section.
17. The stonewall cut for Kyle Jacob Road on Chase Road shall be edged with upright stone pillars or squared stone masonry edging. This shall be noted on the plan.
18. A review by Mass Historical as requested by the Dartmouth Historical Commission shall be completed prior to release of lots for building or sale.
19. The revised access easement for the Tucker/Gidley Farm needs to be 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.

(14) For Your Information/New Business

- Notice on MMA 2011 Annual Meeting & Trade Show
- Planning staff time sheets

Board members who are interested in this year's Annual Meeting & Trade Show should let staff know at the next meeting on December 6th.

Letter from Anthony C. Savastano dated November 3, 2010

It was noted that Town Counsel has rendered an opinion that the Town should no longer consider requests for the discontinuance of private streets.

Brief discussion ensued.

The Chairman asked if there was any other business this evening. There was none. Mr. Sousa noted that the next Planning Board meeting is scheduled for December 6, 2010, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:52 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide