



RECEIVED Jeff Carvalho, Chairman
 Robert J. Woods, Vice Chairman
 Town Clerk-Dighton, MA Joseph Figueiredo, Clerk
 Christopher Cunha, Member
 Daniel Higgins, Member

**PLANNING BOARD
 Public Hearing/Regular Meeting**

Wednesday, March 15, 2023
 Old Town Hall
 1111 Somerset Ave, Dighton, MA 01925

APR 06 2023

Time: 9:54am
 By: [Signature]

Video and audio of the meeting is available on Comcast Local TV9 or on the Town of Dighton Planning & Land Use YouTube Channel.

Meeting was called to order by Chairman Jeff Carvalho at 7:00 PM.

The Pledge of Allegiance was recited.

The Board determined that the next scheduled meeting is April 5, 2023 at 7:00 PM.

REVIEW/DISCUSS/ACT: Wellington Acres Homeowners Assoc., re: status of development assessment(s), turnover and proposed draft Homeowners Association Agreement Amendment
 Chairman Jeff Carvalho recused himself from the matter as he is an abutter.

Attorney John Zajac representing Lopes Construction and Attorney John Mitchell representing the Trustees of the Wellington Acres Homeowners Association appeared before the Board seeking approval to the Amendment of the Homeowners Association Trust. Both parties have been diligently working on closing the matter. Email from Board of Health/Stormwater Committee Agent Todd Piling dated March 14, 2023 was read into record. Atty. Zajac stated that the fence and gate will be repaired. Atty. Mitchell stated that the signatures from the homeowners within the development approving the amendment will be provided.

The matter will be presented at the next scheduled meeting.

REVIEW/DISCUSS/ACT: Clearway Energy, 0 Williams Street (Map 11, Lots 8-01 & 9), Request for Minor Modification Site Plan Review

Joseph Berthermann, TRC Companies representing Clearway Energy appeared before the Board seeking a minor modification site plan review in response to adding one single utility pole within the wetland buffer zone and edits to the stormwater design as requested by the Stormwater Committee. All matters have been reviewed and approved by the Conservation Commission and the Stormwater Committee.

The Board read the Conservation Commission's email dated March 13, 2023 and Board of Health/Stormwater Committee Agent Todd Piling's email dated March 14, 2023 into record.

The Board noted that work was reviewed by the appropriate departments and that it's a formality for the Planning Board to receive and act.

Robert Woods motioned, Joseph Figueiredo seconded to approved the Minor Modification to the Site Plan of Clearway Energy, 0 Williams Street, Map 11, Lots 8-01 and 9.

VOTE:	JEFF CARVALHO, CHAIRMAN	AYE
	ROBERT WOODS, VICE CHAIRMAN	AYE
	JOSEPH FIGUEIREDO, CLERK	AYE

CHRISTOPHER CUNHA, MEMBER AYE
DANIEL HIGGINS, MEMBER AYE

REVIEW/DISCUSS/ACT: Hunters Hill Subdivision, Long Built Homes, Inc., Special Permit Conservation Subdivision (Map 21, Lots 8, 9, 30, 31, 33, 34, 68, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 121 & 130 and Map 22, Lots 6-02, 85, 86, 87 & 90), Request for Issuance of a Building Permit for Model Home Prior to Installation of the Binder Course

Lee Castignetti, Long Built Homes, Inc., appeared before the Board seeking the release of lot 80 prior to completion of infrastructure (through binder course) is complete. The purpose is to construct a model home.

The Board expressed concern of said action as there is an available lot that could be used, safety to those utilizing model home and property surrounding, and precedence setting. Atty. Castignetti noted that lot 80 is better suited as a model home for access once granted. An email dated March 2, 2023 notes that Building Commissioner had preliminary discussions with the Fire Chief and Police Chief willing to work with the developer and Atty. Castignetti is not opposed to conditionally approving the request making it subject to the withholding of a Certificate of Occupancy unless and until the binder course has been installed.

Christopher Cunha motioned, Daniel Higgins seconded to allow the issuance of one building permit prior to installation of the binder course with the following conditions 1) that it is for the model home only; and 2) the Certificate of Occupancy will not be granted until the binder course has been installed.

VOTE: JEFF CARVALHO, CHAIRMAN AYE
ROBERT WOODS, VICE CHAIRMAN AYE
JOSEPH FIGUEIREDO, CLERK AYE
CHRISTOPHER CUNHA, MEMBER AYE
DANIEL HIGGINS, MEMBER AYE

REVIEW OF ZONING BYLAW SECTION: 5400. Site Plan Review

At the request of Chairman Carvalho, the Board reviewed the Zoning By Law Section 5400 Site Plan Review as they pertain to other sections in the By Laws and to provide discussion so that the public can gain understanding of what is required for filing.

Chairman Carvalho read an email dated March 7, 2023 from Town Administrator Michael Mullen into record, as well as, the legal opinion of Attorney Matthew Costa dated March 7, 2023 and Attorney David Gay dated September 27, 2006 stating that a separate permit under the Soil Removal Bylaw is not required if the Planning Board, as special permit granting authority, has approved a plan which will require removal of soil, loam, sand or gravel in order to complete the project.

The Board reviewed Section 5460 Minor Site Plan and determined that a minor site plan review is required for permits to build, alter or expand any nonresidential building or structure where such construction will not exceed 2,000 square feet and not generate the need for more than 10 parking spaces. Furthermore, the applicant is required to submit all information required by Section 5440

Contents of Plan unless waived by the applicant under Section 5450 Waiver of Compliance in writing.

In reviewing Section 5400 it was determined some clarification is needed and potential Zoning By Law amendments maybe required. In particular:

- Section 5420 Procedures: plan submittal should reflect six (6) copies.
- Section 5430 Preparation of Plans: the current By Law states in Section 5430 plans be prepared at a scale 1”=40’, yet in Section 5441 it states plans be prepared at 1”=20’. What is the standard scale used and should this be amended?
- Section 5442: what is the purpose of indicating the estimated time to complete project and submit a written estimate?

The Board determined to spend some more time reviewing the Site Plan Review By Law and continue the discussion at the next scheduled meeting.

Approval of Meeting Minutes

Robert Woods motioned, Joseph Figueiredo seconded to approve the meeting minutes of March 1, 2023.

VOTE:	JEFF CARVALHO, CHAIRMAN	AYE
	ROBERT WOODS, VICE CHAIRMAN	AYE
	JOSEPH FIGUEIREDO, CLERK	AYE
	CHRISTOPHER CUNHA, MEMBER	AYE
	DANIEL HIGGINS, MEMBER	AYE

Correspondence

None.

Public Input

None.

Adjournment

Robert Woods motioned, Joseph Figueiredo seconded to adjourn at 8:19 PM.

VOTE:	JEFF CARVALHO, CHAIRMAN	AYE
	ROBERT WOODS, VICE CHAIRMAN	AYE
	JOSEPH FIGUEIREDO, CLERK	AYE
	CHRISTOPHER CUNHA, MEMBER	AYE
	DANIEL HIGGINS, MEMBER	AYE

Respectfully submitted,
Kerrie J Easterday
Office Manager
Planning Board

List of Documents Presented at Meeting: