



ZONING BOARD OF APPEALS
Regular Meeting /Public Hearing
 Wednesday, March 22, 2023, 2022
 Prime Time Building
 1059 Somerset Ave, Dighton, MA 02715

Zachary Caron, Chairman
 Gregory Logan, Vice Chairman
 Jonathan Gale, Clerk
 Susan Gray Pritchard, Member
 David Phillips, Member
 [Name], Member

RECEIVED
 Town Clerk Dighton, MA
 MAY 01 2023
 Time: 3:02 pm
 By: [Signature]

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

Meeting was called to order by Chairman Zachary Caron at 7:02 PM. Clerk Jonathan Gale was absent.

The Pledge of Allegiance was recited.

The Board formally introduced themselves and determined the next meeting will be 7:00 PM, Wednesday, April 26, 2023 at Prime-Time Building, 1059 Somerset Avenue, Dighton.

REVIEW/DISCUSS/ACT: Eoghan Kelley of Stonebridge Homes, Inc., for Stoney Ridge Estates re: Release of Bond

Voting Members: Zachary Caron, Gregory Logan and David Phillips

The Board read Eoghan Kelley’s email dated March 22, 2023 into record requesting to table the matter until the April meeting. Attorney Mitchell noted that it is the Applicant’s intent to complete the remaining outstanding items before the next meeting.

Zachary Caron motioned, Gregory Logan seconded to approve the request to extend the matter to April 26, 2023.

VOTE:	ZACHARY CARON, CHAIRMAN	AYE
	GREGORY LOGAN, VICE CHAIRMAN	AYE
	DAVID PHILLIPS, MEMBER	AYE

REVIEW/DISCUSS/ACT: Dighton Homes, LLC, for Dighton Woods Subdivision re: Release of Funds under the Performance Agreement

Voting Members: Zachary Caron, Susan Gray Pritchard and David Phillips

The Board read Attorney Michael Khoury’s emails dated March 16, 2023 into record requesting to table the matter until the next meeting.

Susan Gray Pritchard motioned, David Phillips seconded to approve continuing the matter to April 26, 2023.

VOTE:	ZACHARY CARON, CHAIRMAN	AYE
	SUSAN GRAY PRITCHARD, MEMBER	AYE
	DAVID PHILLIPS, MEMBER	AYE

PUBLIC HEARING: Stonegate Landing, LLC, Westerly Side of Somerset Ave (Map 9),

Modification of Comprehensive Permit Case #0-23

Voting members: Zachary Caron, Susan Gray Pritchard and David Phillips.

Chairman Zachary Caron opened the public hearing. Vice Chairman Gregory Logan disclosed that he is related to Joseph Lawrence, former property owner, and recused himself from the matter. The application was previously submitted and withdrawn without prejudice due to unpaid taxes. However, since that time, the taxes have been paid in full.

Richard Federoff of Stonegate Landing, LLC and Paul Cusson of Delphic Associates representing Stonegate Landing, LLC appeared before the Board and presented the modification of the Comprehensive Permit dated February 19, 2004, subsequently modified September 18, 2009, January 18, 2012 and October 15, 2014. The Applicant seeks to request a modification to the Comprehensive Permit as follows:

- Transfer of Phase B, of the Comprehensive Permit to a separate entity (Able Landing, LLC). Phase A has seven (7) lots remaining (5 market rate, 2 affordable units) left for completion.
- Submittal of proposed new architectural home plans (from 2 bedroom to 3 bedroom homes).
- Separation of liability between Phase A and Phase B.

The Board read the following departmental comments into record: Police Chief Shawn P. Cronin, Police Department dated March 17, 2023, Highway Superintendent Thomas Ferry, Highway Department dated March 21, 2023, Town Administrator Michael Mullen dated March 22, 2023, Conservation Agent Lisa Caledonia, Conservation Commission dated March 21, 2023, Stormwater Agent Todd M. Pilling, PE, Board of Health/Stormwater Committee dated March 21, 2022 and Dighton Sewer Commission dated March 21, 2023.

The Board read the following public input email comments into record: Julie Stevens, 962 Stonegate Landing dated March 21, 2023 and Julie Hebert, 953 Stonegate Landing dated March 17, 2023. Ms. Hebert also appeared before the Board and noted that she is a 12-year resident of the development, is concerned about the current condition of the roadway within the development, inquired on the triggering event that transfers the responsibility from the developer to the homeowners and noted that splitting the Phase B to another developer may cause confusion within the Homeowners Association Agreement.

Paul and Evelyn Lemelin, 531 Eagle Terrance thanked the Zoning Board of Appeals for their support, noted that the project has taken numerous years and seems like the new developer will allow the same problems continue. It appears that the project has run out of money.

Frederick Bielawsk, 943 Stonegate Landing noted that condition 4 of the 2009 permit requires infrastructure of the entire project should be substantially completed and asked if the developer is under time constraints to finish the project. Furthermore, Mr. Bielawsk was told that some homeowners had liens placed on their property due to unpaid homeowners' association fees. Mr. Bielawsk was advised that the monitoring agent, Neighborhood Works, is required to place liens if the fees are unpaid.

The Board took a ten-minute recess to review the unannounced recording of the meeting and Open

Meeting Law with a member in the audience.

The Board determined the following matters must be addressed: 1) existing condition of the roadway infrastructure; 2) the Somerset Avenue/Route 138 entrance (ie., curb cut); 3) lack of bond; 4) access to the playground; 5) installation of the bus shelter/turn around; and 6) sewer capacity design of the pump station within the development. It was determined that an outside peer review engineer be obtained at the expense of the Applicant to inspect the current condition of the road, provide requirements needed to bring the road in conformance with the subdivision plans as approved by the ZBA and to provide a cost estimate. The Applicant will also obtain information relative to the sewer capacity.

David Phillips motioned, Susan Gray Pritchard seconded to continue the public hearing to April 25, 2023, 7:00 PM at the Old Town Hall.

VOTE:	ZACHARY CARON, CHAIRMAN	AYE
	SUSAN GRAY PRITCHARD, MEMBER	AYE
	DAVID PHILLIPS, MEMBER	AYE

PUBLIC INPUT

None.

CORRESPONDENCE

None.

Approval of Meeting Minutes

David Phillips motioned, Alys Vincent seconded to approve the meeting minutes of January 25, 2023.

VOTE:	ZACHARY CARON, CHAIRMAN	AYE
	GREGORY LOGAN, VICE CHAIRMAN	AYE
	SUSAN GRAY PRITCHARD, MEMBER	AYE
	DAVID PHILLIPS, MEMBER	AYE
	ALYS VINCENT, MEMBER	AYE

Adjournment

David Phillips motioned, Alys Vincent seconded to adjourn at 9:30 PM.

VOTE:	ZACHARY CARON, CHAIRMAN	AYE
	SUSAN GRAY PRITCHARD, MEMBER	AYE
	DAVID PHILLIPS, MEMBER	AYE
	ALYS VINCENT	AYE

Respectfully submitted,
Kerrie J Easterday Office Manager
Planning Board & Zoning Board of Appeals

List of Documents Presented:

