



Jeff Carvalho, Chairman
 Robert J. Woods, Vice Chairman
 Joseph Figueiredo, Clerk
 Christopher Cunha, Member
 Daniel Higgins, Member

PLANNING BOARD
Public Hearing/Regular Meeting

Wednesday, January 18, 2023
 Old Town Hall

1111 Somerset Ave, Dighton, MA 02715

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 schedule meeting/public hearing is February 1, 2023 at 7:00 PM.

REVIEW/DISCUSS/ACT: Form A Application: Antone P. Roderick, 0 Hart St, (Map 20, Lot 100-1 & Map 19, Lot 1)

A plan of land dated January 9, 2023 pertaining to property located at 0 Hart Street owned by Antone Roderick (Assessors Map 20, Lot 100-1 & Map 19, Lot 1) prepared by Zenith Consulting Engineers, LLC, 3 Main Street, Lakeville, MA, was presented by Nyles Zager, P.E. for review and action. The proposed Form A application seeks to create Lot 2 containing 43,750± s.f. (1.004± acres) with 250 feet of frontage and combine the remaining land of parcel IDs 19-1 and 20-100 containing 1,244,887± s.f. (28.579± acres). It was determined that the plan met or exceeded all minimum requirements. The Mylar was signed and presented to Mr. Zager for recording.

Vice Chairman Woods inquired on Mr. Zenith's experience working with the Town. Mr. Zenith noted that Town departments have treated him fairly.

Robert Woods motioned, Christopher Cunha seconded to approve the Form A Application for Endorsement of Plan Believed Not to Require Approval for a plan of land dated January 9, 2023, prepared by Zenith Consulting Engineers, LLC, for property known as 0 Hart St, (Map 20, Lot 100-1 & Map 19, Lot 1).

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: BWC Greene Brook, LLC, 0 & 624 Middle St (Map 8, Lot 31 & 80) and 903 Tremont St (Map 8, Lot 27), Decommissioning Bond and Landscaping Bond

Aaron Simms of Bluewave Energy and Attorney Keith Phillis appeared before the Board presenting Decommissioning Bond, Solar Facility Decommissioning Agreement and Landscaping Bond for the Board's approval and execution. Counsel for the Board, Jay Talerman appeared via ZOOM and noted that he and Atty. Phillis have been working on the Decommissioning Bond and Agreement documents extensively and, although, what is presented to the Board tonight is less than ideal because the surety controls the money, it is low risk and acceptable to Atty. Talerman.

Dighton Time: 8:43am
 Town Clerks Office
 Notice of Posting Date: 2/7/23

Lastly, Atty. Talerman noted that should the Board sign the Decommissioning Bond tonight the following statement should be added: SUBJECT TO THE DECOMMISSIONING AGREEMENT BETWEEN THE PRINCIPAL AND THE OBLIGEE.

The Board inquired if the fencing was included in the Landscaping Bond and it was determined that it was not, however, any damage made to the fence would be handled through insurance. Atty. Talerman further noted that the proposed Landscaping Bond lacks a corresponding security agreement, therefore, cannot be acted on tonight. The Board determined to authorize Atty. Talerman to work with the Applicant and their attorney to finalize the documents.

Robert Woods motioned, Joseph Figueiredo seconded to approve the Decommissioning Bond as presented.

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

Robert Woods motioned, Joseph Figueiredo seconded to conditionally approve the Landscaping Bond and Agreement.

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

Daniel Higgins motioned, Christopher Cunha seconded to approve the Decommissioning Agreement.

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: Jeffrey P Rodrigues, 2040 County St (Map 17, Lot 304), Site Plan Review
Chairman Jeff Carvalho recused himself.

Mark Rodrigues, PE appeared before the Board to present the Minor Site Plan Review application of Jeffrey Rodrigues for property located in a Business District at 2040 County Street (M 17, Lot 304). The Applicant proposes a temporary structure for equipment maintenance with the following specifications:

- 5” concrete slab, 30’ x 50’ = 15 s.f.
- Galvanized steel frame structure affixed to commercial shipping containers 8’x40’x8.5’high
- Commercial grade triple-layer ripstop polyvinyl chloride (PVC) tarpaulin cover
- Rear cover made of tin
- Front entrance famed, roll-up door

- Total gross floor area (slab plus containers) = 1900 s.f.

The Board read the following emails into record: Board of Health dated December 19, 2022 and Conservation Commission dated January 3, 2023.

The Applicant added that the proposed structure is weather proof, will be 75 feet from the center line of the road and noted there is a similar structure located at 508 Customs on Route 138. The structure cannot be moved to the rear of the property due to the wetlands.

The Board noted that there is a visual concern of the proposed structure and would like to take the matter under advisement to do more research. The Applicant agreed to install a barrier (i.e., trees, fence) and/or paint the structure so that it will be visually pleasing.

Robert Woods motioned, Joseph Figueiredo seconded to take the matter under advisement until the next meeting.

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

REVIEW/DISCUSS/ACT: Wellington Acres Homeowners Assoc., re: status of development assessment(s), turnover and proposed draft Homeowners Association Agreement Amendment

The Board read into record Attorney John Zajack’s email dated January 17, 2023 requesting a continuation.

Joseph Figueiredo motioned, Robert Woods seconded to continue the matter to February 15, 2023.

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: Bell Farm Estates, 0 Milk St (Map 17, Lots 109, 135 & 208), Preliminary Subdivision Plan

Steve Gioioso, of Civil & Environmental Consultants, Inc., 31 Bellow Road, Raynham, MA appeared before the Board on behalf of the Applicant, Rebello Construction, to present the Bell Farm Estates Preliminary Conservation Subdivision Plan. The site is located at 0 Milk Street containing 42 acres of land that has been surveyed, soil tested and wetland delineated. The conventional plan proposes 27 lots with two entrances to the development located on Milk Street and Council Oak Way. The purpose of having two points of entry, requiring one minor wetland crossing, is for public and fire safety. The proposed conservation subdivision design eliminates the circular roadway in the middle of the site and maintains the two entrances for public and fire safety, clustering the lots into three different locations, separated by the open space portion of the land (preserving 13 acres, an estimated 30% of the overall land area) while avoiding various pockets of wetlands and vernal pools. Open surface drains are being proposed which will require a variance from the Board of Health. Wells are being proposed on the lots due to the water moratorium, therefore, 250’ feet of frontage will be required.

The following departmental comments were read into record: Building Commissioner dated December 7, 2022, Conservation Commission dated December 7, 2022, Highway Superintendent dated December 7, 2022, Board of Health/Stormwater Committee dated December 5, 2022 and the Dighton Water District dated December 5, 2022. Mr. Gioioso noted that the departmental comments have been received and that responses/comments will be provided. The Board noted that if Town water is not available, then the plan should be modified to reflect the correct frontage.

Greg Reynolds, 1771 Milk Street, stated that he has lived there for 20 years and was under the assumption that it was unbuildable and notes the box turtles and salamanders present. Mr. Reynolds commends the Board on the due diligence of the proposed project in light of the devastating effect it could have on the wetlands and wildlife.

Gwen Reynolds, 1771 Milk Street, commends the various departments in their due diligence reviewing the preliminary project. Ms. Reynolds would like to note that the testing was done during the driest conditions of the season, is concerned with the proposed roadway near her property, and is concerned on the impact having smaller lots with wells and septic.

William Collins, 1760 Oak Street, noted that the original sale listing of the proposed land was for farm land only. Mr. Collins further noted that the property owner went on the land with a big machine on Thanksgiving causing significant damage. The Board noted that the property may have been in chapter land.

Joseph Figueiredo motioned, Christopher Cunha seconded to accept the proposal for engineering review services of 0 Milk Street from Green International Affiliates, Inc., dated November 30, 2022.

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

Mr. Gioioso asked that the peer review not take place until after the plans have been revised to reflect the comments that were received from department heads and from the Board. The Board agreed.

It was determined that the matter will be scheduled once the conventional plan has been revised and the peer review has been made.

Mr. Gioioso noted that he has worked in the Town of Dighton before and has no complaints.

REVIEW/DISCUSS/ACT: Surplus Equipment Disposal

The Board received and read into record a memo dated January 12, 2023 from Office Manager Kerrie Easterday requesting to dispose one slim computer keyboard.

Joseph Figueiredo motioned, Christopher Cunha seconded to dispose one HP Slim Keyboard Serial No. CT: BEXHP0AWYBLGAY.

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

CHRISTOPHER CUNHA, MEMBER AYE
DANIEL HIGGINS, MEMBER AYE

Approval of Meeting Minutes

Joseph Figueiredo motioned, Christopher Cunha seconded to approve the meeting minutes of January 4, 2022.

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

Christopher Cunha motioned, Robert Woods seconded to adjourn at 8:32 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: