



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

PLANNING BOARD
Public Hearing/Regular Meeting

Wednesday, February 15, 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 scheduled meeting/public hearing is March 1, 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

The Board read into record Attorney John Mitchell's email dated February 15, 2023 requesting a continuation due to the fact that a site visit with the Stormwater Committee needs to take place.

Christopher Cunha motioned, Joseph Figueiredo seconded to continue the matter to March 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: Site Plan Rreview: Reed Bros. Farm Limited Partnership, 1050 Williams Street (Map 7, Lot 1)

Gregory Logan, 2185 Pleasant Street presented a site plan and plot plan for new offices and parking for property located at 1050 Williams Street. The existing structure contains 7,489 square feet with 770' of frontage and the proposed structure for ten (10) offices contains 1,587 square feet requiring eight (8) parking spaces.

The Board inquired how a building permit was obtained to begin construction on the offices prior to the site plan review in addition to the non-release of the chapter land (61A).

Mr. Logan stated he was not aware there was an issue with the building permit, however, work was stopped and an application for a site plan review filed immediately once he was notified. Work that continued after the notification was for the previously approved site plan for the gym. Mr. Logan will look into the chapter land matter immediately.

The Board determined that all work relating to 1050 Williams Street stop until the chapter land matter is resolved and Mr. Logan agreed.

Robert Woods motioned, Joseph Figueiredo seconded to table the matter to March 1, 2023.

VOTE:	JEFF CARVALHO, CHAIRMAN	AYE
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Dighton
 Town Clerks Office
 Notice of Posting
 Time: 8:55am
 Date: 3/2/23

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

REVIEW/DISCUSS/ACT: Forest Hills Estates, Special Permit Conservation Subdivision (Map 3, Lot 28, 33 & 78)

Per the “Mullins Rule” MGL Chapter 39, Section 23D, Chairman Jeff Carvalho and Clerk Joseph Figueiredo certified that they have viewed the recorded public hearing of Forest Hills Estates held on February 1, 2023.

Robert Woods motioned, Christopher Cunha seconded to open the public hearing of Forest Hills Estates, Special Permit Conservation Subdivision (Map 3, Lot 28, 33 & 78).

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

Attorney Jay Talerman’s email dated February 14, 2023 to Attorney Joshua Glass was read into record

Chairman Carvalho called Forest Hills Estates representative, Attorney Joshua Glass, to floor seeking a yes or no answer to the following questions:

- 1) Does the Applicant intend on providing the Town of Dighton a yield plan? Attorney Glass does not believe a yes or no is an appropriate answer because he believes the Board already has something that would constitute a yield plan and that it is an inaccurate summation of the law, which has been shared numerous times with Attorney Talerman. Attorney Glass appreciates the email received, however, there is no legal substance to support the position taken nor factual support.
- 2) Does the Applicant have any objective qualifying evidence for a supply water service for the development? Attorney Glass has no concerns regarding the adequacy of water and if the Board would like to make it a condition of the special permit, the Applicant would be happy to discuss it. The application with the North Dighton Fire District received comments from the peer review engineer and it is currently open and pending. Furthermore, there are other mechanisms by which water can be secured. Attorney Glass fully recognizes and fully intends to work with the Board and the Town to confirm the water source.

Having stated concerns to the Applicant and said concerns are not being addressed, Chairman Carvalho called for a vote. Attorney Glass extraneously, strenuously objected calling it highly inappropriate stating that there is a Settlement Agreement that says parties will cooperate to implement the objectives of the agreement.

Robert Woods motioned, Joseph Figueiredo seconded to close the public hearing.

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 reject the Special Permit of Forest Hills Estates Conservation Subdivision.

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

Christopher Cunha motioned, Robert Woods seconded to approve the meeting minutes of February 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

Nancy Goulart, Chairman of the Stormwater Committee noted that the Taunton Conservation Commission continued the Forest Hills Estates matter to May.

Adjournment

Joseph Figueiredo motioned, Christopher Cunha seconded to adjourn at 7:29 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: