



ZONING BOARD OF APPEALS
Regular Meeting /Public Hearing

Wednesday, April 25, 2023, 2022

Prime Time Building

1059 Somerset Ave, Dighton, MA 02715

Time: 7:00pm

By: mas

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 7:06 PM. Clerk Jonathan Gale attended via ZOOM. Member David Phillips was absent.

The Pledge of Allegiance was recited.

The Board formally introduced themselves and determined the next meeting will be 7:00 PM, Tuesday, May 23, 2023 at Old Town Hall, 1111 Somerset Avenue, Dighton.

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. David Phillips can miss one meeting and read minutes/view tonight's meeting and sign certification and remain as voting member.

Chairman Zachary Caron opened the public hearing. Vice Chairman Gregory Logan recused himself from the matter.

Richard Federoff of 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.

Mr. Federoff, Stonegate Landing, appeared before the Board to provide a monthly status update and noted that he has to bring Phase A up-to-date prior to consideration of approval of transferring Phase B to a new entity, unknown why the proposed new developer is present at tonight's public hearing, met with the state engineer regarding the curb cut on Somerset Avenue/Route 138 noting that the original permit has expired but has reapplied, will start work immediately on the playground so that it is in working order and obtain the proper insurance, obtain a construction company for road repairs, as well as, work with the Town peer review engineer so that it complies with the Town rules and regulations and is currently working on obtaining information relative to the sewer capacity. Mr. Federoff presented the Owners Manual relative to the play and park structure for the playground.

The following correspondence was read into record: Lis Paquette, 947 Stonegate Landing dated March 26, 2023 and Paul Lemelin, 531 Eagle Terrace dated March 23, 2023.

Attorney Marguerite Mitchell noted the following items to be completed:

- Consulting engineer to review the site and prepare proposal to include drainage concerns, as well as, detention pond
- Confirm the capacity of sewer pump station
- Obtain curb cut on Somerset Avenue/Route 138, as well as, consider the one house that has a driveway on said road
- Atty. Mitchell to review the Homeowners Association documents
- Present status of the playground, as well as, Mr. Federoff meet with the Playground Commissioner
- Bonding for Phase A
- The Applicant should present a cost certification for Phase B

It was clarified that engineer Larry Silva is being used by Mr. Federoff for sewer flow, survey and the curb cut permit.

Vice Chairman Gregory Logan inquired on the drainage/pitching onto Somerset Avenue/Route 138 and the water issues at the individual properties.

Clerk Jonathan Gale questioned the following:

- Will the playground ultimately come under ownership of the Town? No
- Does DCHD weigh in and aware of issues going on now? A transfer approval letter from MA Housing dated March 22, 2022 is part of the application package
- Status of the Homeowners Association fees? Being researched

Tyler Pearson, 957 Stonegate Landing inquire on the criteria of the Homeowners Association. Mr. Federoff will provide the information.

Susan Gray Pritchard motioned, Zachary Caron seconded to continue the public hearing to May 23, 2023, 7:00 PM at the Old Town Hall.

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

Adjournment

Susan Gray Pritchard motioned, Zachary Caron seconded to adjourn at 8:02 PM.

VOTE:	ZACHARY CARON, CHAIRMAN	AYE
	GREGORY LOGAN, VICE CHAIRMAN	AYE
	JONATHAN GALE, CLERK	AYE
	SUSAN GRAY PRITCHARD, MEMBER	AYE
	ALYS VINCENT, MEMBER	AYE

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

List of Documents Presented: