

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF OCTOBER 5, 2009**  
**Amendment to Definitive OSRD Subdivision entitled "Pelegs Island Farm"**  
**7:30 p.m., Room #315, Town Office Building, 400 Slocum Road**

**Planning Board Members**

Mr. John V. Sousa, Chairman  
Mr. Joseph E. Toomey, Jr., Vice-Chairman  
Mr. John P. Haran, Clerk  
Mrs. Lorri-Ann Miller  
Mr. Arthur C. Larrivee

**Planning Staff**

Mr. Donald A. Perry, Planning Director  
Mrs. Joyce J. Couture, Planning Aide

The Chairman opened at 7:51 p.m. the public hearing<sup>1</sup> concerning a request under M.G.L., Chapter 40A, Section 11 (The Zoning Act) to amend certain conditions of approval on the Definitive (OSRD) Plan entitled "Pelegs Island Farm" (Assessor's Map 9, Lots 17 & 18; Map 13, Lot 31; Map 14, Lot 1) located off Barney's Joy Road and owned by Amelia S. Koch, Trustee of Salt Creek Farm Realty Trust, 211 Sargent Road, Brookline, MA 02445. The amendment proposes to alter conditions #6 and #10 in the Certificate of Action for a Special Permit issued by the Planning Board and dated July 14, 2009. The amendments seek to make these conditions consistent with the Conservation Restriction with Dartmouth Natural Resources Trust.

Five Planning Board members and Planning staff were present.

A motion was made by Mrs. Miller, seconded by Mr. Toomey for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, September 16, 2009, and again on Wednesday, September 23, 2009.

The Planning Director stated the amendment application was prepared by Cullinan Engineering Co., Inc. for Amelia Koch and was officially time stamped in the Town Clerk's office on September 10, 2009. Mr. Perry further noted that the legal notice was sent on September 10, 2009 to the parties in interest, the Planning Board's of Fall River, Westport, Freetown, Gosnold, and New Bedford; and posted in the Town Office Building.

The Planning Director referenced the letter of explanation from Cullinan Engineering dated September 1, 2009. He noted the applicant is seeking to modify conditions 6 and 10 of the Planning Board's Special Permit Certificate of Action dated July 14, 2009 to make the certificate consistent with the Conservation Restriction (CR) with Dartmouth Natural Resources Trust.

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<sup>1</sup> For more information, see minutes of the Planning Board's regular meeting of October 5, 2009

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The Chairman asked if the applicant or her representative wished to provide comment.

Tom Hardman, Cullinan Engineering, Inc., representing Amelia Koch, referenced the CR language pertaining to the open space, forestry, and the docks.

Board members agreed the language in the CR regarding forestry was more specific and outlined generally accepted forestry management practices. With respect to the existing dock and the CR language to allow a second dock, the Board also felt comfortable with the specific language which details size, maintenance, repair, and replacement. It was also noted the second dock would require approval under DEP Waterways Regulations.

Mr. Sousa called for comments and/or questions from the public.

There were none.

Mr. Perry recommended the Planning Board close this evening’s public hearing.

In a roll call vote, a motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (5-0), to close the public hearing

Arthur Larrivee – yes; Lorri-Ann Miller – yes; John Haran – yes; and Joseph Toomey, Jr. – yes, John Sousa – yes.

Tonight’s public hearing was closed at 7:59 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide