

MINUTES OF PLANNING BOARD PUBLIC HEARING OF OCTOBER 19, 2009
Definitive OSRD Subdivision Plan prepared for
Ronald T. Bogusky and Barbara Purdy”
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
Ms. Kathleen DelSordo, Alternate Member

Planning Staff

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

Mr. Sousa opened at 7:26 p.m. the public hearing¹ concerning a request for a Special Permit as defined under M.G.L., Chapter 41, Section 81-T (The Subdivision Control Law); M.G.L., Chapter 40A, Section 11 (The Zoning Act); and the Dartmouth Zoning By-Laws, Section 6 (Open Space Residential Design). The hearing concerns a Definitive (OSRD) Subdivision Plan entitled “OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy” (Assessor’s Map 25, Lot 1-12 and Map 24, Lot 49) which proposes to create two Open Space Residential Subdivisions on land located north of Rock O’Dundee Road and east of Bakerville Road. The subdivision would create 4 new buildable lots with 2 open space parcels from a 40.5 acre tract of land.

Five Planning Board members and Planning staff were present.

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, September 30, 2009, and again on Wednesday, October 7, 2009.

The Planning Director stated the plan was prepared by Prime Engineering, Inc. for Ronald Bogusky and Barbara Purdy, 307 Rock O’Dundee Road, for land owned by same. He pointed out the application for the Definitive Subdivision Plan was officially time stamped in the Town Clerk’s office on September 21, 2009 and the applicant is also requesting a Special Permit for an Open Space Residential Design, as provided for in Section 6 of the Zoning By-Laws, to allow waivers regarding lot frontage, lot area, upland area, lot shape, lot coverage, driveway setbacks, and setback requirements for the proposed houses.

¹ For more information, see minutes of the Planning Board’s regular meeting of October 19, 2009

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Mr. Perry further noted that the legal notice was sent 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 then proceeded to read the following correspondence into the record:

- Three-page OSRD project overview submitted with the application.
- Sections of a ten-page Subdivision Description document on meeting criteria for OSRD design
- Requested modifications of zoning requirements for Ronald Bogusky/Babara Purdy
- Planning Staff's Review Commentary
- Letter from Dartmouth Historical Commission dated October 6, 2009
- Letter from David T. Hickox and Ron Richard, D.P.W. dated October 14, 2009

Mr. Sousa asked if the applicant or his representative wished to provide comment.

Richard Rheume, Prime Engineering, Inc., gave a general overview of the project. He spoke about the initial requirement under the Open Space Residential Development regulations of providing a conventional/yield plan. Mr. Rheume displayed a color-coded drawing plan and described the lot configuration for 4 buildable lots and the open space parcels.

Beverly King, 459 Bakerville Road, spoke about the barn, and noted it is not historical since it was destroyed by fire and rebuilt with plywood and modern trusses. She also voiced her concern that it is not good to allow public access over farmland since farms are not for passive recreation.

Barbara Purdy, 307 Rock O'Dundee Road, stated she would have liked to retain ownership of the two OSRD proposals but the OSRD bylaw requires the homeowners to have access and control over the open space so she intentionally kept 40 acres of the farm out of the OSRD since she did not want a Homeowner's Association dictating to her farming practices. Ms. Purdy also made mention that with a Conservation Restriction she can still retain ownership and manage the property for agriculture. She further made note that DNRT generally doesn't want smaller open space parcels but agreed to these small parcels because they are the gateway to a larger parcel.

The Planning Director acknowledged that the Town's OSRD bylaw is new and some of the language needs to be re-worked regarding the open space to allow a farmland preservation option.

Beverly King pointed out it is a struggle to continue farming on some CR land because the restrictions are not interpreted as pro agriculture.

Mr. Sousa asked if there were any more comments and/or questions from the public.

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Richard Rheaume mentioned the hearing could be continued to address the Department of Public Works comments.

However, the Planning Director explained that the Department of Public Works is not aware that the plan does not have proposed streets, but common driveways instead. He pointed out the details of the common drive need to be added to the plans. It was agreed that the common drive to serve one house could be 9 feet, and when the second house is added the width will be increased to 16 feet. It was also suggested a 20 foot long paved apron be provided where common driveways intersect the Town streets.

Mr. Sousa asked if anyone would like to provide final comment. Hearing none, the Chairman requested the Planning Director's recommendation.

Mr. Perry recommended the Board vote to close this evening's public hearing and place this item on the Planning Board's next meeting agenda for November 2, 2009 with a fully drafted certificate of action.

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 on the proposed “OSRD Subdivision Plan prepared for Ronald T. Bogusky and Barbara Purdy” and return to the regular meeting.

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

Tonight's public hearing was closed at 8:07 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide