

MINUTES OF PLANNING BOARD PUBLIC HEARING OF APRIL 26, 2010
Definitive OSRD Subdivision Plan entitled "Bethany Estates"
7:15 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 7:21 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 "Bethany Estates" (Assessor's Map 49, Lot 25) which proposes to create a 3-lot subdivision with 1 open space parcel from a 6.36-acre tract of land. One lot has an existing dwelling at 397 Old Westport Road and the other 2 lots would be located behind the existing dwelling. No new roads are proposed, only a common driveway. The applicant is also requesting a Special Permit for Open Space Residential Design, as provided for in Section 6 of the Zoning By-Laws, to allow a reduction in frontage, area, lot coverage, lot shape, and setback requirements for the proposed house lots.

Four Planning Board members and Planning staff were present. Mr. Larrivee could not attend.

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (4-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, March 24, 2010, and again on Wednesday, March 31, 2010.

The Planning Director stated the plans were prepared by Prime Engineering, Inc. for Bethany Larson, 397 Old Westport Road, Dartmouth, MA 02747 for land owned by her. Mr. Perry pointed out the application for the Definitive Subdivision Plan and the application for a Special Permit were officially time stamped in the Town Clerk's office on March 4, 2010, which begins the time line for action by the Planning Board on this proposal.

Mr. Perry further noted that the legal notice was sent on March 11, 2010 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.

¹ For more information, see minutes of the Planning Board's regular meeting of April 26, 2010

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The Planning Director then proceeded to read the following correspondence into the record:

- Two-page OSRD project overview submitted with the application.
- Ten-page Subdivision Description document on meeting criteria for OSRD design
- Requested modifications of zoning requirements for Bethany Larson
- Planning Staff's Review
- Memo from Wendy Henderson, Board of Health dated March 29, 2010
- Letter from David T. Hickox and Ron Richard, D.P.W. dated March 8, 2010
- Memo from Joel Reed, Building Department dated March 5, 2010
- Letter from Dartmouth Historical Commission dated April 7, 2010

Mr. Sousa asked if the applicant or her representative wished to speak.

Richard Rheume, Prime Engineering, Inc., displayed several colored lot layout plans and gave a general overview of the project. He pointed out the 6.36 acre parcel could be developed into three 80,000 square foot lots that would meet zoning and subdivision standards but would not result in open space. Mr. Rheume further noted that the Conservation Commission has confirmed the wetland lines.

Bethany Larson, 397 Old Westport Road, introduced herself as the applicant.

The Chairman called for comments and/or questions from the public.

The following Town residents were present this evening and raised various concerns and questions which were all addressed by either Mr. Rheume, the Planning Director, or the Chairman.

Marc and Lisa Santos, 367 Old Westport Road
Diane St. Pierre, 367 Old Westport Road

Marc and Lisa Santos asked specific questions such as: Are these lots for family? Will there be duplexes? Will you be renting to students?

In response, Ms. Larson said that one of the lots is for her, she possibly will be keeping one for her children, and she is not sure what will be done with the lot with the existing historic house.

The Chairman added that Ms. Larson has certain rights just like any other resident of the Town and the Planning Board does not have any jurisdiction over those concerns.

In response to concerns on drainage, Mr. Rheume said there would be less runoff than with a conventional subdivision.

The Chairman also pointed out this project is designed to be less intrusive on the land with 65% of the 6-acre parcel being deed restricted as open space land.

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General discussion ensued on the design of the common driveway. Board members voiced concern that the plan details for the common driveway should be well defined to prevent issues between neighbors.

There was an exchange of ideas on the conservation restriction for the open space, the maintenance of the field/agricultural land areas, marking the boundary between lots/open space and what would be allowed in the wooded areas.

Mr. Sousa asked if anyone would like to provide final comment.

Mr. Haran mentioned to the applicant that she understands the vote this evening needs to be unanimous since a special permit requires a 4/5 vote of the Board and there are only 4 members present.

Ms. Larson nodded, she understood.

The Chairman requested the Planning Director's recommendation.

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

Mr. Sousa mentioned that the Planning Board will be making a decision this evening following the close of the public hearing.

In a roll call vote, a motion was made by Mrs. Miller, seconded by Mr. Haran, and unanimously voted (4-0), to close the public hearing for the proposed "Bethany Estates" and return to the regular meeting.

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

Tonight's public hearing was closed at 8:21 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide