



MINUTES OF PLANNING BOARD PUBLIC HEARING
August 4, 2014
Definitive (OSRD) Subdivision Plan entitled "The Poor Farm"
Meeting Room #315
Town Office Building, 400 Slocum Road, Dartmouth, MA

Planning Board Members

Mr. Joel Avila, Chairman
Mr. Joseph Toomey, Vice-Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Kevin Melo

Planning Staff

Mr. Donald A. Perry, Planning Director
Ms. Jane Kirby, Planning Aide

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The Chairman opened at 7:45 p.m. the public hearing¹ concerning a Definitive (OSRD) Subdivision Plan entitled "The Poor Farm" which proposed to create a three (3) lot subdivision with 4.79 acre open space parcel from a 5.71 acre tract of land located north of Avis Street. Access to the lots is proposed as by ten foot gravel drive. The plan was prepared by Prime Engineering for Poor Farm Realty Trust, LLC c/o Bruce Poor, Trustee for land owned by the same and shown on Assessor's Map 128 as Lots 14-6 and 14-7. The plan was submitted to the Planning Board on July 8, 2014. The applicant is also requesting a Special Permit for an Open Space Residential Design, as provided for in Section 6 of the Zoning Bylaws, to allow waivers regarding minimum frontage, total area, minimum upland area, and minimum side and rear setbacks.

Planning Board members and Planning staff were present. Planning Board member Joseph Toomey was absent

Also Present: Richard Rheaume, P.E. – Prime Engineering
Abutters: Mr. Correia
Miss Sue Abbott
Mr. Fred Borges
Mr. William Owen
Attorney Tenney Lantz

Chairman Avila reviewed the Planning Board's public hearing procedure for those present.

Lorri-Ann Miller motioned to waive the reading of the legal notice into the record, which was duly seconded by Kevin Melo, and voted (4 yes – 1 absent).

The Planning Director stated that the Form C was time-stamped in the Town Clerk's office on July 8, 2014, along with the Subdivision application and the Special Permit

¹ For more information, see minutes of the Planning Board's regular meeting of August 4, 2014



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application. He noted that the applicant/owner is listed as Poor Farm Realty Trust, LLC c/o Bruce Poor, Trustee.

Mr. Perry proceeded to read the following into the record:

- Application information
- Correspondence dated July 22, 2014 from John H. Judson, Fire Chief (No.1)
- Correspondence dated July 30, 2014 from DPW
- Narrative to support proposed OSRD Off Avis Street, Dartmouth, MA (in file)
- Requested waivers:

Frontage = 0	Conventional = 100
Minimum Total Area = 13,000 s.f	Conventional = 15,000 s.f.
Minimum Upland Area = 13,000 s.f.	Conventional = 15,000 s.f.
Minimum Side and Rear Setback = 10	Conventional = 20

Mr. Perry reviewed the OSRD summary of criteria. Mr. Perry explained with an OSRD definitive subdivision plan, permanent open space is created to allow for smaller lots than allowed by zoning noting that the developer will be unable to create more lots than requested lots (3 lots total).

Richard Rheume, P.E., Prime Engineering (Representing the applicant)

- Reviewed a conventional subdivision plan
- Reviewed wetland locations
- Reviewed proposed OSRD plan

Abutter concerns expressed:

- Drainage concerns
- If land elevated to create new homes, could flood nearby productive farmland rendering land useless
- Ownership
- Stonewall restoration

Board discussion ensued. Mr. Rheume proceeded to address the concerns raised.

- Will relocate driveway away from an abutter and add 4' for swale to address drainage concern
- Will direct water towards wetlands and away from surrounding properties
- Paved road instead of crushed stone (per DPW standards)
- OSRD requires 50% land preservation, 84% proposed for preservation
- Access to open space by public if adjacent lands become accessible public lands
- Stonewall restoration can be a condition of approval
- Open space owned by Association for homeowners controlled by legal document



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Chairman Avila explained the merits of OSRD subdivisions. Board conditions were reviewed and stated for both the Special Permit and Definitive Certificates of Action for discussion. Concluding discussion, Chairman Avila asked for a motion to close the public hearing.

A motion was made by John Sousa, duly seconded by Kevin Melo, and voted (4 yes -1 absent) to close the public hearing at 9:00 p.m. and resume the regular meeting of the Planning Board for Action on "The Poor Farm" OSRD Subdivision.

Respectfully submitted,
Jane Kirby
Planning Aide