



**PUBLIC HEARING MINUTES FOR  
DEFINITIVE OSRD SUBDIVISION – SAGAMORE ESTATES  
November 3, 2014  
Planning Board's Meeting Room #315  
Town Office Building, 400 Slocum Road, Dartmouth, MA**

RECEIVED

**Planning Board**

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

DARTMOUTH TOWN CLERK

**Planning Staff**

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

The Chairman opened at 7:30 p.m. the public hearing<sup>1</sup> concerning a Definitive (OSRD) Subdivision Plan entitled "Sagamore Estates". The applicant proposes to create a four (4) lot subdivision with a 5.3 acre open space parcel from an 8.1 acre tract of land located at Sagamore Drive in Apponagansett Village. Access to the lots will be from Sagamore Drive. The plan was prepared by SITEC, Inc. for J & T Home Builders for land owned by Jose T. Desousa and shown on Assessor's Map 131 as Lot 61. 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 Section 4B.401 – Lot Area; Section 4B.402 – Lot Shape; Section 4B.403 – Frontage; and Section 4B.404 – Setbacks.

All Planning Board members and Planning staff were present.

Also Present: Steve Gioiosa, P.E. - SITEC, Inc.  
Jose T. Desousa  
Numerous abutters

Chairman Avila proceeded to explain the Board's public hearing procedure.

This hearing was duly advertised in the Chronicle on Wednesday, October 15, 2014 and Wednesday, October 22, 2014.

Lorri-Ann Miller motioned to waive reading the legal ad, which was duly seconded by Joseph Toomey, and unanimously voted (5-0).

The Planning Director stated that both the Form C application and the Special Permit application were time-stamped in the Town Clerk's office on September 11, 2014.

<sup>1</sup> For more information, see minutes of the Planning Board's regular meeting of November 3, 2014



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

- Letter from John H. Judson, Fire Chief – District #1, dated October 6, 2014
- Letter from Timothy J. Barber, Senior Engineer, Dartmouth DPW dated October 8, 2014
- Description of Sagamore Drive – An Open Space Residential Design (OSRD) Subdivision Accessed via Sagamore Drive (Map 131 Lot 61) dated August 17, 2014
- Letter to Michael Kehoe, Chairman – Town of Dartmouth Conservation Commission from Brian P. Levesque, Project Manager, SITEC, Inc. dated October 28, 2014

Mr. Perry noted that the neighborhood is highly sensitive to drainage issues, since many parts of Apponagansett Village were built in wet areas prior to strong wetland regulations. He stated that drainage is currently being reviewed by the Conservation Commission.

Chairman Avila invited the applicant or a representative to speak.

Steve Gioiosa, P.E., SITEC Inc. reviewed:

- Property locus
- 8 acres of land area located on the north side of Sagamore Drive (Apponagansett Village)
- Proposed subdivision layout
  - 4 lots proposed
  - SRA Zoning District
  - Conventional layout would allow 5 single-family house lots
- Site plan review included:
  - Wetland locations
    - Notice of Intent filed with Conservation Commission
  - Designated Habitat Area
    - Filed with Natural Heritage
    - Plan acceptable to the Commonwealth pursuant to Natural Heritage
    - Letter of record submitted to Conservation Commission
  - Location of stonewalls on the subject property
- Configuration under OSRD limits
  - Limits development to 4 single-family house lots
  - Minimizes the impact to the community and neighborhood
  - Access/common driveway imbedded in proposed open space
  - Uplands located in the middle of the subject property where lots are proposed
  - Open space begins at Sagamore Drive and connect to Town owned land



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- Drainage mitigation
  - Conservation Commission solicited consultant
  - Incorporated consultant's comments into drainage design
  - Reviewed location of detention pond/retaining walls
    - Under 5,000 max. of wetland alteration
    - Replication area relocated as a result of Conservation Commission's comments
  - Municipal water and sewer
  - Complies with zoning for open space plan
  - On-site roof runoff recharge will be provided for each new home
  - Will not increase drainage problems
- Maximizing open space and minimizing building envelope

Concluding, Mr. Gioisa stated that he is still in working with the Conservation Commission and will meet with the Commission again at the end of November.

Chairman Avila asked for public comment at this time.

Michael Heath, 1 Algonquin Drive

Comments received:

- This seems to be a development within a development in a swamp
- Is an 18' wide private road adequate for fire and rescue vehicles?
- Lack of buffer on abutting properties
- Existing retaining wall falling apart
- Drafting errors with submitted plan

Mr. Gioiosa addressed the comments by stating that it is just a development project. It is a parcel of land that has been located in the Apponagansett Village with documented wetlands on the property. He pointed out an area on the site plan that will need to be reviewed by Michael O'Reilly, Director of Environmental Affairs, because someone removed the flags before Mr. O'Reilly was able to inspect. Mr. Gioiosa does not anticipate any changes to the mapped wetland locations.

Regarding the 18' road, Mr. Gioiosa reminded the Board that the Fire Chief signed off on the project, and noted that 18' is the accepted standard for an access drive and provides adequate space for emergency vehicles.

Buffering will be preserved (40 feet of undisturbed land) except for one location. Mr. Gioiosa reviewed the plan's topography, which dictates where the driveway has to cross under the Wetlands Protection Act.



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Mr. Gioiosa stated that the contractor is required to stabilize the retaining wall.

Mr. Gioiosa admitted that there are minor drafting errors on the plan, but stated that the errors do not speak to the technical accuracy of the plan.

Chairman Avila asked the Planning Board for questions or comments.

One Board member questioned how the open space was beneficial to the Town.

Mr. Gioiosa explained that the open space will connect to Town-owned property to the north of the subdivision.

Discussion ensued regarding the private way, and whether public access should be provided to the open space with a pedestrian pathway.

Discussion ensued regarding wetlands.

One Board member questioned when the applicant will be meeting with the Conservation Commission again.

Mr. Gioiosa stated that the applicant will meet with the Conservation Commission again later this month.

Potential plan revisions were discussed. The Board considered whether or not it would make sense to continue the public hearing to allow time for the applicant to meet with Conservation and submit the revised plan for Planning Board review at a later date. Mr. Gioiosa agreed that it would make sense to continue the public hearing.

A member questioned the lot area of the proposed subdivision in comparison to the house lots in the neighborhood.

Mr. Gioiosa stated that the surrounding house lots average around 15,000 square feet, and the smallest proposed house lot in the subdivision is 25,000 square feet.

Chairman Avila asked Mr. Gioiosa to review the conventional subdivision plan to clarify how the subject property could provide 5 lots.

Mr. Gioiosa reviewed the contiguous upland area for the Board, and showed locations where a single-family home could be constructed. He also noted that the proposed house lots could be reduced in area.



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Chairman Avila questioned where the existing stonewalls would be relocated on the subject property.

Mr. Gioiosa suggested stonewall relocation areas.

Board discussion ensued regarding public access to the open space. The general consensus of the Board was that access should be provided, with signs, as typically done for OSRD subdivision approvals.

Chairman Avila asked for public comment.

Wayne Thatcher, 9 Algonquin Drive

Comments received:

- Road on my property line
- Road goes through wetlands
- Existing brook
- Why can't the road be reconfigured to a different location and not near my house?


The Planning Director explained that the road has to cross wetlands at the narrowest point as dictated by the topography of the subject property. He suggested that the applicant plant evergreens in this location to provide more buffering between the road and Mr. Thatcher's property.

Chairman Avila asked if anyone else had any comments.

Joseph Toomey motioned to continue the public hearing. This motion was duly seconded by John Sousa, and unanimously voted (5-0). The public hearing has been continued to December 15, 2014 at 7:30 p.m.

8:55 P.M. The Planning Board resumed its regular meeting.

**APPROVED BY:**  
The Dartmouth Planning Board

  
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Respectfully submitted,  
Jane Kirby  
Planning Aide