

MINUTES OF PLANNING BOARD PUBLIC HEARING OF DECEMBER 21, 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

Planning Staff

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

Mr. Sousa opened at 7:30 p.m. the continued 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. Toomey for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, November 18, 2009, and again on Wednesday, November 25, 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 which starts the legal timelines 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 December 21, 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 noted a public hearing was previously held on October 19, 2009 but unfortunately it was discovered that some abutters may not have received proper legal notice and a new public hearing was scheduled and all parties in interest were re-notified.

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

The Planning Director noted that it has been clarified that the barn in question was destroyed in a fire and the rebuilt building is not historic or worth preserving.

- Letter from David T. Hickox and Ron Richard, D.P.W. dated October 14, 2009

The Planning Director noted that with respect to the comments from the Department of Public Works, it has been explained that Purdy Lane is actually a private driveway.

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.

Mr. Rheume mentioned there has been a slight change to this plan since the Planning Board saw the original plan. He explained that DNRT did not like the jogs in and out for the lots near Bakerville Road and therefore the lot lines were squared off.

Joan Underwood, Old Wharf Road, asked if the open space would be accessible to the public.

Mr. Rheume explained that since this is a working farm, public access is restricted. However, the Conservation Restriction approved by the Select Board does allow for 2 advertised walks annually.

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Brief discussion ensued on the Conservation Restriction.

Barbara Purdy, 307 Rock O'Dundee Road, mentioned that normally no agency would want a Conservation Restriction on land shaped like this. However, Ms. Purdy pointed out that because it is a gateway to other land held by DNRT, they agreed to take it.

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

There was none.

The Chairman requested the Planning Director's recommendation.

Mr. Perry recommended the Board vote to close this evening's public hearing and the Planning Board take action tonight.

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 8:02 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide