

MINUTES OF PLANNING BOARD PUBLIC HEARING OF DECEMBER 7, 2009
Definitive Subdivision Plan entitled "Bush Gardens"
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. Toomey opened at 8:00 p.m. the public hearing¹ concerning a Definitive Subdivision Plan entitled "Bush Gardens" which proposes to create 2 new buildable lots on land off Bush Street just to the west of Thatcher Street. The plan was prepared by SITEC, Inc. for Jorge Verissimo, 149 Willis Street, Dartmouth, MA 02748 and submitted to the Planning Board office on November 5, 2009.

Four Planning Board members and Planning staff were present. Mr. Sousa was unable to attend.

A motion was made by Mr. Miller, duly seconded by Mr. Larrivee, and unanimously voted (4-0), 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 Form C application was officially time stamped in the Town Clerk's office on November 5, 2009, which begins the time line for action by the Planning Board. Mr. Perry further noted that legal notification was sent to all the abutters on November 5, 2009. He proceeded to read the following into the record:

Request of Waivers from Jorge Verissimo	dated October 30, 2009
David T. Hickox and Ron Richard, D.P.W.	dated November 12, 2009
Dartmouth Historical Commission	dated November 24, 2009

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

The following people were present and participated in this public hearing:

Steven Gioiosa, SITEC, Inc. (applicant's engineer)
Jorge Verissimo, applicant
John & Sandra Houlihan, 31 Bush Street (abutters)

¹ For more information, see minutes of the Planning Board's regular meeting of December 7, 2009

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Mr. Gioiosa presented a general overview of the proposal. He noted the land is zoned General Residence which allows 15,000 square foot lots. Mr. Gioiosa described the layout of the lots pointing out Lot 1 is 21,000 square feet and Lot 2 is 17,000 square feet. It was also noted that the existing house on the property along with the adjacent structures are to be razed to accommodate the two new houses. Mr. Gioiosa provided details on the existing drainage patterns and stated the flow will remain generally the same after development.

The Vice Chairman asked if there were any comments from the public.

Sandra Houlihan, 31 Bush Street, noted that she was under the impression the land could not be subdivided and no new house could be built on the property. She said when there is a lot of rain, the stream overflows. She was concerned that her home would be getting water in the cellar as a result of this project.

Mr. Gioiosa responded. He noted the project is designed to have no drainage impact on abutting properties. He said all roof runoff will be directed into an underground infiltration system which is designed to hold water. Mr. Gioiosa said a more detailed drainage plan will be submitted to the Conservation Commission and abutters will be legally notified at that time as well.

John Houlihan, 31 Bush Street, stated his basic concern is that he doesn't want to change the geography of the land and have water problems.

Mr. Toomey called for comments and/or questions from the Planning Board.

Mrs. Miller referenced the draft certificate of action staff had prepared for this proposal. She stated that in this particular case, the condition requiring that trash collection and disposal be the responsibility of the property owners is totally unnecessary.

It was agreed that this requirement would be deleted from the draft certificate.

In response to a question from Mr. Haran, the Planning Director stated the project meets the road standards agreed upon by the Fire Chiefs when revising the Subdivision Regulations.

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

Mr. Perry recommended closing the public hearing so the Planning Board can take action this evening.

A motion was made by Mr. Larrivee, duly seconded by Mr. Haran, and unanimously voted (4-0), to close the public hearing for the proposed "Bush Gardens" Subdivision at 8:30 p.m. and return to the Planning Board's regular meeting.

Respectfully submitted,
Mrs. Joyce J. Couture

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Planning Aide