

MINUTES OF PLANNING BOARD PUBLIC HEARING OF MARCH 14, 2011
Definitive Subdivision Plan entitled "The Village at Cedar Dell"
7:30 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 7:37 p.m. the public hearing¹ concerning a Definitive Subdivision Plan entitled "The Village at Cedar Dell" which proposes to create 7 house lots on Cedar Dell Way which is located on the east side of Fisher Road just south of Old Westport Road. Two of the lots on Cedar Dell Way have existing homes. The site of the proposed subdivision had previous approval by the Board of Appeals as a 40B development. The plan was prepared by SITEC, Inc. for Cedar Dell, LLC, 651 Orchard Street, New Bedford, MA 02744 and submitted to the Planning Board office on February 15, 2011.

All Planning Board members and Planning staff were present.

A motion was made by Mrs. Miller, seconded by Mr. Larrivee for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, February 23, 2011, and again on Wednesday, March 2, 2011.

The Planning Director stated the Form C application was officially time stamped in the Town Clerk's office on February 16, 2011, which begins the timeline for action by the Planning Board. Mr. Perry further noted that legal notification was sent to all the abutters on February 16, 2011. He proceeded to read the following correspondence into the record:

Request of Waivers List from SITEC, Inc.
Memo from Richard Arruda, Fire Chief #3 dated February 24, 2011

The Chairman asked if the applicant or his representative wished to provide comment.

Steven Gioiosa, SITEC, Inc., spoke at length on behalf of the applicant, Cedar Dell, LLC. He introduced a new partner involved with the project, Peter Rochford, who will be taking over for Cedar Dell, LLC. Mr. Gioiosa noted, as the Planning Board is aware, the original approval on this site was for a comprehensive permit through the Board of Appeals for 11 lots. He stated the proposal has been scaled down to a 7 lot subdivision and noted the

¹ For more information, see minutes of the Planning Board's regular meeting of March 14, 2011

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Board of Appeals has already voted favorably on the variances necessary to move forward with this conventional subdivision plan. He described the roadway layout and the lot configurations, pointing out the location of the two lots which have already been built upon and are privately owned. He said the lots will be around 40,000 square feet which are similar in size to lots in abutting neighborhoods. Mr. Gioiosa stated the detention pond has been constructed and as-built plans submitted. Concluding his presentation, Mr. Gioiosa mentioned approvals under the Definitive Plan process will require a performance covenant which ultimately will provide protection to the homeowners within the subdivision.

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

Steven Gioiosa, SITEC, Inc. (applicant's engineer)
Peter Rochford, Project Manager, Cedar Dell, LLC
Edward & Iris Begley, 9 Cedar Dell Way

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

Iris Begley stated both she and her husband are in agreement with the plan, stating that her main concern is that they are reimbursed for the added costs they have incurred to install the utilities which should have been paid for by the developer.

The Planning Director stated that the reimbursement to the Begley's is a private matter, and the Planning Board generally would not be involved in that type of issue under the Subdivision Control Law. It was felt the Board of Appeals should have addressed that concern in its variance decision related to this project.

Discussion ensued.

Several Board members felt strongly that before the Board grants their approval on this subdivision, the developer and the Begley's reach some type of agreement.

The Chairman suggested tonight's public hearing be continued in order that the parties could discuss and hopefully resolve this issue. Mr. Sousa asked Board members for a consensus on the design of the plan – Mr. Larrivee, yes; Mrs. Miller, yes; Mr. Toomey, yes; Mr. Haran, yes; and Mr. Sousa, yes.

A motion was made by Mr. Larrivee, duly seconded by Mr. Toomey, and unanimously voted (5-0) to continue this public hearing to March 28, 2011 at 7:15 p.m. in room #315 of the Town Office Building.

Tonight's public hearing was closed at 8:14 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide