

MINUTES OF PLANNING BOARD CONT. PUBLIC HEARING OF JANUARY 28, 2013
Definitive Subdivision Plan entitled "Hixville Estates"
Room #315, Town Office Building, 400 Slocum Road

Planning Board Members

Mr. Joel Avila, Chairman
Mr. Joseph E. Toomey, Jr., Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Stanley M. Mickelson

Planning Staff

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

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The Chairman opened at 7:37 p.m. the continued public hearing¹ concerning a Definitive Subdivision Plan entitled "Hixville Estates" which proposes to create 2 lots from a 93.4 acre tract of land owned by Mary Robinson, 383 Hixville Road, Dartmouth, MA 02747 and located on the north side of Hixville Road at the powerlines. The proposed road will be a 16-foot-wide paved roadway with a hammerhead turnaround at its end. The plan was prepared for Mary Robinson, 383 Hixville Road, Dartmouth, MA 02747 by SITEC, Inc. and was submitted to the Planning Board office on November 13, 2012.

All Planning Board members and Planning staff were present.

The Chairman provided procedural information for the general public.

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 28, 2012, and again on Wednesday, December 5, 2012.

The Planning Director stated this public hearing was continued to allow Matt Thomas, the attorney for an abutter, an opportunity to provide more detailed information regarding questions he raised at the previous hearing held on December 17, 2013. These questions concerned the applicant owing the Town money, driveway/boundary issues, and site mitigation (screening). Mr. Perry noted that no information was provided by Attorney Thomas to Planning Staff. However, Chip Mulford, the attorney for the applicant, has provided correspondence responding to the issues raised. He proceeded to read the following into the record:

¹ For more information, see minutes of the Planning Board's regular meeting of January 28, 2013

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Letter from Attorney Ralph K. Mulford dated January 17, 2013
Letter from David T. Hickox, DPW dated January 17, 2013

The Chairman asked if the applicant or his representative would like to speak.

Steven Gioiosa, SITEC, Inc., noted that there has been an agreement with the abutters, Paul and Marion Carpenter, with respect to easement issues presented at the previous public hearing. He proceeded to provide a general overview of the revised layout, describing the relocation of the driveway to provide safer access for the abutters at no cost to them, the supplemental landscaping, and the proposed laneway. Mr. Gioiosa pointed out the plans have been revised to address previous concerns expressed by the Department of Public Works, the Fire Chief, and the Planning Board.

Attorney Chip Mulford, representing Mary Robinson, added that the applicant would like to change the proposed street name to "Robinson Way" rather than "Illumination Way".

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

Attorney Matt Thomas, representing Paul and Marion Carpenter, confirmed that an agreement has been reached to eliminate the Carpenter's existing driveway and the reconfiguring of their access being angled from the subdivision road. Attorney Thomas also spoke on the legal issue he raised at the previous public hearing concerning debt obligation claims against the property owner, Mary Robinson. Attorney Thomas further verified that the financial settlement agreement between the Town and Mary Robinson which he referred to was not pertinent in this matter.

Gloria Bancroft, 748 Collins Corner Road, spoke about an adjacent landfill on property owned by Mary Robinson. She spoke about a residential home which sits in the middle of the landfill, its occupants, and questioned whether there was any connection of this project to what is being proposed at the landfill.

A general discussion ensued between Attorney Mulford, Mr. Gioiosa, and the Planning Board with numerous questions being asked and answers being provided on the driveway placement, the easement, activities at the landfill, the confirmation of the proposed relocation of the existing house on the landfill property to one of the lots in this subdivision plan, and a venture by Boston Environmental for a 3 year project to close and cap the landfill with Mass DEP conducting the meeting.

During discussion it was emphasized that the landfill project is independent of the subdivision plan presented this evening other than the proposed relocation of the existing house. It was also made known that a public information session has been scheduled by Mass DEP on February 14, 2013 at 6:30 p.m. at the Town Hall to acquaint the general community on the proposed landfill closure.

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The Chairman asked if the Planning Board had any final comments or questions.

Mr. Toomey expressed an opinion that it would be prudent of the Board to continue this evening's public hearing until after the February 14th public information meeting.

A motion was made by Mr. Mickelson, duly seconded by Mr. Sousa, and so voted (4-1) with Mr. Toomey opposed to close this public hearing at 8:25 p.m.

Respectfully submitted,
Joyce J. Couture
Planning Aide

APPROVED BY:
The Dartmouth Planning Board



