

MINUTES OF PLANNING BOARD CONT. PUBLIC HEARING OF DEC. 19, 2011
Definitive OSRD Subdivision Plan entitled "The Preserve at High Hill"
7:15 p.m., Room #315, Town Office Building, 400 Slocum Road

Planning Board Members

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

Planning Staff

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

The Chairman opened at 7:21 p.m. the continued public hearing¹ concerning a Definitive (OSRD) Subdivision Plan entitled "The Preserve at High Hill" which proposes to create a 3-lot subdivision with 1 open space parcel from a 6.06-acre tract of land (Assessor's Map 77, Lot 9-1) located on the west side of Faunce Corner Road just north of Flagg Swamp Road. No new roads are proposed, only a common driveway. The plan was prepared by SITEC, Inc. for Long Built Homes, 158 Charles McCombs Boulevard, New Bedford, MA 02745 for land owned by Janice E. Baker, Trustee of Wooler Nominee Trust, c/o Long Built Homes, Inc. 158 Charles McCombs Boulevard, New Bedford, MA 02745. The plan was submitted to the Planning Board office on November 9, 2011. The applicant is also requesting a Special Permit for Open Space Residential Design, as provided for in Section 6 of the Zoning By-Laws, to allow a reduction in frontage, area, lot coverage, lot shape, and setback requirements for the proposed house lots.

All Planning Board members and Planning staff were present.

A motion was made by Mrs. Miller, seconded by Mr. Haran for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, November 16, 2011, and again on Wednesday, November 23, 2011.

The Planning Director noted a public hearing was previously held on December 5, 2011 but it was discovered that some abutters did not receive proper legal notice and this continued public hearing was scheduled in order to notify the omitted parties in interest. Mr. Perry stated the application for the Definitive Subdivision Plan and the application for a Special Permit were officially time stamped in the Town Clerk's office on November 9, 2011, which begins the time line for action by the Planning Board on this proposal. Mr. Perry further noted that the legal notice was sent on November 10, 2011 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.

¹ For more information, see minutes of the Planning Board's regular meeting of December 19, 2011

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The Planning Director then proceeded to read the following correspondence into the record:

- Eleven-page OSRD project overview submitted with the application dated Nov. 4, 2011
- Planning Staff's Review
- Letter from Department of Public Works dated Nov. 18, 2011
- Letter from Fire Chief Arruda dated Nov. 28, 2011
- Letter from the Board of Health dated Nov. 30, 2011
- Project update from applicant on plan revisions

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

Daniel Aguiar, SITEC, Inc., provided an overview of the project using a color coded drawing plan. He described the road layout, the green space, and the design of the lots. He further noted that a grading plan has been presented to the Board of Health and the Conservation Commission.

The following abutters were in attendance this evening and participated in a lengthy dialogue:

Robert & Suzanne Vicente, 35 Flagg Swamp Road
Matthew Andrade, 51 Flagg Swamp Road
Donald Ballard, 59 Flagg Swamp Road

Lee Castignetti, representing Long Built Homes, provided detailed information related to the Board of Health's perk tests, noting that all the lots have perked.

A general discussion ensued. The main focus of discussion was the existing conditions of the land and the abutters concern that this proposal would contribute to additional drainage problems on their property.

Proponents for the project explained that OSRD development is beneficial to the abutters as it preserves existing woodland and minimizes other environmental impacts. It was also explained that State regulations protect landowners stating that surface water cannot be changed to flow to existing house sites and cause flooding.

Mr. Toomey asked if anyone would like to provide final comment.

Hearing none, the Chairman requested the Planning Director's recommendation.

Mr. Perry recommended the Planning Board close this evening's public hearing. However, he suggested that first he would like to go through some of the conditions and modifications identified as a result of this evening's public hearing. Mr. Perry proceeded to list item by item all the conditions.

Concluding, Mr. Toomey mentioned that the Planning Board will be making a decision this evening following the close of the public hearing.

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In a roll call vote, a motion was made by Mr. Sousa, seconded by Mrs. Miller, and unanimously voted (5-0), to close the public hearing on the proposed Definitive (OSRD) Subdivision Plan entitled "The Preserve at High Hill" and return to the regular meeting.

Joel Avila – yes; John Sousa – yes; Lorri-Ann Miller – yes; John Haran – yes; Joseph Toomey, Jr. – yes.

Tonight's public hearing was closed at 9:24 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide