

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF DECEMBER 17, 2012**  
**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

The Chairman opened at 7:38 p.m. the public hearing 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 the application for the Definitive Subdivision Plan was officially time stamped in the Town Clerk’s office on November 13, 2012, which begins the timeline for action by the Planning Board on this proposal. Mr. Perry proceeded to read the following into the record:

- Requested waiver list – Hixville Estates
- Letter from the Department of Public Works dated November 27, 2012
- Letter from the Board of Health dated December 10, 2012
- Letter from Dartmouth Fire Chief #3 dated November 23, 2012

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

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Steven Gioiosa, SITEC, Inc., provided a general overview of the project, describing the proposed laneway, drainage, and the location of wetlands. He noted both lots meet the frontage and area requirements under the Subdivision Control Law.

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

Attorney Matthew Thomas, representing Marion Carpenter (a direct abutter of this project), spoke about a title search he had conducted while working for the Town with special employee status. He stated there is an outstanding judgment against Mary Robinson, the owner of this proposed subdivision property, and he believes an opinion letter should be sent to Town Counsel asking if the Planning Board can approve a subdivision with such legal issues. Attorney Thomas also spoke about a driveway issue, a possible title dispute and drainage.

Mr. Gioiosa responded to Attorney Thomas' questions but could not speak to the legal issues.

Paul Gonsalves, 2 Gonsalves Court, spoke about unpleasant odors which permeated from the property last summer. He said the smell was from dumped clamshells but the problem has been rectified.

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

Mr. Gioiosa responded to several questions from Board members. He confirmed a preliminary plan to freeze zoning on the property had been submitted prior to the submission of this definitive plan. He also said he had no knowledge of future plans for the site. Mr. Gioiosa stated that he only knows at this time that the plans for the site are for two house lots.

With the questions related to the title issue and the judgment issue still remaining, the Planning Board members decided it would be best to continue the hearing in order for the proponents to seek answers to the legal concerns raised this evening.

The Planning Board asked Attorney Thomas to submit in writing to the Planning Office his concerns and details of the legal issues he referenced. Planning Staff would send a letter to Town Counsel for a legal opinion when it is received.

A motion was made by Mrs. Miller, duly seconded by Mr. Toomey, and unanimously voted to continue this public hearing to Monday, January 28, 2013 at 7:30 p.m. in room #315 of the Town Office Building.

Tonight's public hearing was closed at 8:28 p.m.

Respectfully submitted,  
Joyce J. Couture  
Planning Aide