

PLANNING BOARD MEETING OF September 9, 2008

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

## **I. ADMINISTRATIVE BUSINESS**

### A. Quorum/Attendance

Members Not Present – Timothy Cox

Planning Director William Roth was also in attendance.

### B. Acceptance of Minutes –

Albert Silva motioned to accept the minutes for the August 26, 2008 meeting. Gary Staffon seconded. The vote was unanimous. The motion passed.

### C. Planning Board Bills –

#### 1.) N. Douglas Schneider - \$60.00 Update Zoning Plates

Gary Staffon motioned to pay this bill. Dennis Vello seconded. The vote was unanimous in favor. The motion passed.

#### 2.) Refunds -

- ◆ Shannon Meadows Realty Trust - \$30,000.00

Albert Borges motioned to pay this bill. Dennis Vello seconded. The vote was unanimous. The motion passed.

#### 3.) Southcoast Media - \$355.80

- ◆ Jacintho Sub. - \$192.00
- ◆ Bufftree-3 - \$163.80

Gary Staffon motioned to pay this bill. Albert Silva seconded. The vote was unanimous. The motion passed.

### D. Receipt of Plans - None

### E. Approval of Plans - None

## **II. Consultation**

#### 1.) Joe Oliveira – 3 Antone Drive

Peter DeTerra – I would like into go to Executive Session due to the possibility of litigation.

Joseph Oliveira – I would like to resolve this today.

William Roth – I wasn't able to speak to Town Counsel on this. I called them, but didn't receive a return call.

Wayne Hayward motioned to table this matter until the end of the public hearings. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

### III. PUBLIC HEARING –

#### 1) Definitive Subdivision – Central Avenue – Anita Tipping (continued from 8/26/08)

Marinus Vander Pol – With regard to the tree, have you looked into transplanting it into the owner's property?

Alan Ewing – No, we have not done that.

Chairman Fleurent – Have you seen the conditions?

Alan Ewing – Yes.

Marinus Vander Pol – I would like to make a condition to protect that tree.

William Roth – I could also add a condition to require the petitioner to record the decision with the conditions.

Wayne Hayward motioned to add the protection of the tree and requiring the petitioner to record the decision with the conditions as conditions. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

#### 2) Special Permit – Omnipoint(2) – 427 Sconticut Road (continued from 5/13/08)

William Roth – Notice was mailed to the abutters. There have been no changes since my May 8, 2008 report. As such, my recommendation is still denial.

Joe Giammarco, Esquire – (Gives brief recap of the project.) I can also talk about what we have tried to do with the BPW. Unfortunately, it has not progressed enough to get an answer for tonight. However, we would like to close the hearing and move forward on the merits of this petition.

Chairman Fleurent – There was an issue with the right of way.

William Roth – If they were to use the right-of-way they needed an agreement with the Town; however, the plans were revised to provide power from else where. So, that issue is moot.

Wayne Hayward – How many other providers are out there?

Joe Giammarco, Esquire – Many.

Wayne Hayward – And they're going to need towers.

Marinus Vander Pol – I would like to have a discussion with Public Works.

Janet Rose (abutter) – What about the health problems?

Chairman Fleurent- I don't know what the health problems are.

Joe Giammarco, Esquire – That's not an issue for this Board.

Marinus Vander Pol – Board of Health had no comments.

Chairman Fleurent – I would have been more interested in the water tower.

Joe Giammarco, Esquire – There is a substantial waiver of distance.

Wayne Hayward – If you don't want to make the required setbacks, then let's put the health issues back on the table.

William Roth – I'm recommending denial. I don't see a reason to grant a waiver of this size. It's a large parcel and they want to tuck it right next to the neighbors. It appears that the property owner does not want inconvenience any of his other property by putting it in the middle of the parcel.

Marinus Vander Pol – I don't want to even talk about granting any change from our required setbacks until there is an effort to compromise. Otherwise, I'm inclined to deny the project.

Wayne Hayward – They don't meet our regulations. They're asking for us to deny them.

William Roth – Any application can be appealed.

Wayne Hayward motioned to approve the application with the order of conditions. Gary Staffon seconded. The vote was unanimous against. The motion did not pass.

### 3) Special Permit – Bufftree(3) – 67 Middle Road

William Roth – There are no changes to the previously approved plans. I have included a copy of the recorded decision. The applicant has requested an extension because they have not closed on the property. The owner is still working with state DEP to clean up the site. The Fire Chief commented about a fire hydrant on Middle Street and I have included it on the conditions. I have not yet heard from Public Works. It has met the criteria. There is a need to clean up the site and it does take time. I am recommending approval of the extension subject to 26 conditions.

Wayne Hayward motioned to close the public hearing. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

Wayne Hayward motioned to approve the extension for two years with the conditions. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

## **IV. OTHER**

### 1.) Monster Mini Golf

William Roth - They have complied with the conditions. I'm recommending approval.

Gary Staffon motioned to approve the application with the order of conditions. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

Wayne Hayward motioned to adjourn open session and go into Executive Session not to reconvene in open session. Dennis Vello seconded. Roll call vote: Mr. Hayward in favor. Mr. Borges in favor. Chairman Fleurent in favor. Mr. Vander Pol opposed. Mr. Vello in favor. Mr. Silva in favor. The vote was 6-1 in favor. The motion passed. The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

James Pelland, Secretary  
To the Planning Board