

PLANNING BOARD MEETING of July 10, 2012: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Wayne Hayward – Opened the Meeting at 6:30pm

Quorum/Attendance

Members Present – Chairman, Wayne Hayward, Albert Borges, Rene Fleurent Jr., Peter Nopper, Jeffrey Lucas, and Gary Staffon; At 6:45 Francis Budryk entered the Meeting.

Members Absent -- Joseph Morra

Planning Director William Roth was also in attendance.

Acceptance of Minutes June 26, 2012

Gary Staffon moved to accept the minutes of the Meeting on June 26, 2012, and was seconded by Al Borges. The motion passed by unanimous vote.

Planning Board Bills

1. Fairhaven Neighborhood News (FNNews) - \$140.00 for the last Meeting's Public Hearing advertisement. Jeffrey Lucas moved to pay the bill to FNNews, and was seconded by Gary Staffon. The motion passed by unanimous vote.
2. Southcoast Media Group - \$161.00. William Roth explained that this bill is for tonight's Public Hearing Meeting. He said it was advertised in the Advocate and it's more expensive. Gary Staffon moved to pay the bill to Southcoast Media Group, and was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

II. CURRENT PLANNING:

Receipt of Plans:

1. Special Permit – **Windward Power Systems, Inc.** – 379 Alden Road (PH – 8/14/12)

William Roth advised the Board that an application was received from Windward Power Systems, Inc. for reuse of the Delta Electric site at 379 Alden Road. Mr. Roth, along with Peter Nopper said that this is a marine diesel repair business. Mr. Roth confirmed they are now in Wareham, and believe this site will be best for their business.

Wayne Hayward asked if we have all the plans?

William Roth said, 'Yes.'

Gary Staffon moved to schedule the Public Hearing to August 14, 2012, and was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

William Roth also told the Board that the applicant does require a variance and will go before the Board of Appeals.

Gary Staffon asked if that was going to be done before or after our Hearing? To which, Mr. Roth said he was not sure.

Wayne Hayward advised the Meeting they were waiting for Francis Budryk, who was on his way into the Meeting. Therefore they agreed to move forward to the Washburn Avenue subdivision.

William Roth had the plans that the Board needed to sign for the Washburn Avenue subdivision. He said that the easement was approved by Town Counsels office this morning. The deed restriction doesn't need to be done now. Mr. Roth said that the mylar, covenant and easement will be signed on the 16th and will be ready on the 17th.

Wayne Hayward explained to the audience that the Planning Board signed on a one home subdivision on Washburn Avenue, with the rest of the property deeded over to the Town of Fairhaven.

Wayne Hayward asked if the deed portion for the Town abuts the easement?

William Roth replied that they are proposing no deed restriction, but donating Parcel A to the Conservation Commission in order to take the tax deduction.

Rene Fleurent, Jr. mentioned that, the Windward Power Systems, Inc., at Delta will not be heard by appeals on their August 7, 2012 meeting, therefore it probably won't be heard until the September Meeting.

III. PUBLIC HEARING

1. Special Permit – Paul Tassopoulos – 200 Huttleston Avenue

William Roth read the advertisement. The site was to be used for a fast food takeout restaurant.

Wayne Hayward opened the Public Hearing, advising the audience that the Meeting was being recorded, both audio and through video. "We are being recorded," he said. He then continued by introducing the Board Members, including Recording Secretary and Town Planner. Mr. Hayward advised that a 2/3 vote was required with a special permit.

Wayne Hayward asked the applicant's engineer, Kenneth Ferreira to give an overview of the project.

Mr. Ferreira advised the Board that the property used to be Luk-Oil and Mutual Oil Station on 200 Huttleston Avenue. He said there was a small mini mart in the building, and that the building is in disrepair. He said that the former owner was Attorney Ken Lipman, and he recently sold it to Mr. Paul Tassopoulos, an entrepreneur, who was looking to turn it into a window take-out only restaurant. Mr. Ferreira advised that the entrances would be the same, in/out by Rt. 6 and Shirley Street. There are no additions being planned. He said it was to be a food operation, sandwiches and ice cream.

Wayne Hayward then asked William Roth to read his report and advise of his concerns.

William Roth read his July 5th report for this applicant, and briefly went over his comments and concerns. Mr. Roth advised that some of the audience members that were present did come in and speak to him personally regarding this project, and had questions that he couldn't answer, so he brought those questions up first. "First," he said. "What are the hours of operation going to be?" Another question was whether it would be a seasonal operation or year round? Mr. Roth explained that the use is permitted. He explained what the special permit is for, which is layout, and site design. His other concerns included site lighting? Is there a dumpster proposed? Mr. Roth advised more information is needed on the landscaped area between the two entrances. Also to the continuation of the sidewalk along Huttleston Avenue, he said that it was not detailed enough on the plans. Mr. Roth explained that the picnic area was 20' from the neighbors on that side. He said he would recommend outdoor picnic area seating moved to adjacent from the East Side, and if moved a new layout needs to be submitted. He said that the Fire

Department has approved the plans. The BPW had some concern regarding the driveway. Mr. Roth said he recommends holding the Hearing, reviewing everything and then having the applicant continue the project to resubmit plans addressing the concerns.

Wayne Hayward brought out pictures that he had taken of the site so the board could review, noting that the pictures would be entered with the project.

Ken Ferreira went on to address the concerns brought up by Mr. Roth. He said the intention was to repave the entire lot, and to maintain a connection toward Alden Road with a heavy painted yellow line. He said at first it would be open seasonally, but the applicant does not want there to be a restriction to seasonal though. It really depends on business. He said the hours would be 11 a.m. to 10 p.m., he said that would probably be summertime hours, and that in the winter depending on business they may close earlier. In reference to site lighting, an electrician has been out and said that the lights can be refurbished and refitted. He noted where the dumpster was noted on the plans, rear of building near Rt. 6 with fence around it. In terms of the picnic area, he said that it was closer to the majority of the parking area, he said putting it on the other side would require patrons to walk all the way around. He also stated that this was not to be a bar crowd, but meant to be a family type take out. He said it would actually enhance the site. Regarding the BPW concern on the entrance, Mr. Ferreira said that the entrance can be narrowed down to 24'.

Wayne Hayward asked if the picnic area would be enclosed in a fence?

Mr. Ferreira said there would be mulch, pea stone in an open area.

Jeffrey Lucas asked about the proposed gravel area? He pointed to lot area to the north and east of the picnic area on the plans, to which Mr. Ferreira said Yes.

William Roth said, "It needs to be fully delineated."

Jeffrey Lucas said that he was concerned that Shirley Street would be a shortcut to the hotel.

Wayne Hayward said that he doesn't see that happening, but it could be a potential problem.

Ken Ferreira explained that there was a recent \$50,000 sewer expansion done in the area.

Wayne Hayward said there were three man holes on the property.

Jeffrey Lucas said that the plans didn't show adequate lightning for what is being proposed.

"Like I said," Mr. Ferreira said, "they'll be adding one more light. So four lights plus one more."

Gary Staffon asked if the sidewalk on the Rt. 6 side will be used for parking?

Mr. Ferreira said it will be repaved, and they can dress up the island.

Wayne Hayward asked if there was an abutters in the room who had any comments.

Abutter, Mr. Jason of 4 Lincoln Drive spoke up first. He said that Shirley Street was a dead end and something the Board doesn't know is that they have trucks, motorcycles and everything else coming through that property already; because the light there is too long.

Mr. Ouellette of 7 Shirley Street also spoke up, saying "It's a shortcut now." He said he didn't know how they are going to distract from that. "I'm not sure it's a light issue," he said. He said there are a lot of kids now that drive through their 4-wheeling and it's like a dust bowl. "Perhaps you can cut down on the width of the entrance."

Wayne Hayward explained that the curb cut along Huttleston Avenue is under MA Highway jurisdiction and that's a whole different thing. He said as people become more aware that there's a business there with people walking around, it should curb the behavior.

Mr. Ferreira said they might be able to put in speed tables instead of bumps. He also said he agreed with Mr. Hayward that he thought people would be less likely to speed through when seeing a business in there.

Resident, Mr. Ouellette also said there was some issues with the lighting already from "Bobby Gomes old place, positioned to glare into his home".

Wayne Hayward said that any issue with lights glaring into a home from the used auto dealership, is actually a building department issue.

Mr. Ferreira said that the existing lighting is down light. Shoebox. And any additional would be the same.

Resident, Patricia Jason asked if the lighting was controlled during business hours by the owner or by the electric company?

Wayne Hawyard said, "Owner occupied lighting."

Mrs. Jason asked what if the hours were clarified?

Attorney Ken Lipman said it was 11a.m. to 10p.m. during the Summer.

Wayne Hayward said he would view the establishment as year round eventually.

Jeffrey Lucas asked if the toilet facilities are handicapped?

Mr. Tassopoulos said, "No." He said he was told because there wasn't inside seating they wouldn't have to. "It's not a restaurant."

Francis Budryk said, "You better make sure the Board of Health is on board and to get it in writing."

Mr. Tassopoulos said that he ran the preliminary plan by the Board of Health and they agreed he didn't need handicapped bathrooms.

Jeffrey Lucas asked if there was access to the building. "No one is entering the building, right," he asked. "Where is the window, windows?"

Mr. Tassopoulos said one window would be facing the front of Rt. 6 and the other perhaps for ice cream on the side.

Rene Fleurent, Jr. asked if there would be an outdoor audio to call orders ready?

"Possibly loud speaker," Mr. Tassopoulos said.

Mr. Ferreira said at Kool Kone in Wareham there is no loud speaker. They just go to the window & call out the number order up!

Resident, Mr. Desrochers of 6 Lincolnd Drive stood up to say, "I picture this like an Oxford Creamery, right?"

Wayne Hayward explained that the Planning Board issues the permit on the site and the building, not necessarily what it's used for. He explained that it could be a Verizon retail store in a few years.

William Roth said that change of use in the future may not require a new site plan if parking existing parking was sufficient.

Gary Staffon asked if maybe the width of the Huttleston Avenue entrance could be shortened for the in/out of traffic.

Jeffrey Lucas said if trying to curtail the traffic, maybe to shorten near Shirley Street not Huttleston Avenue.

Ken Ferreira said, "We are obviously going to have to continue...but I'd like to get the consensus of the picnic area from the Board."

William Roth said when he did his site review he thought traffic noise and lighting, to abutters may be a concern.

Mr. Tassopoulos asked, "What happens to the dumpster?"

Mr. Ferreira said they would just have to move it to the other side.

Wayne Hayward said, "I'd rather see my children away from Route 6."

Rene Fleurent, Jr. said he was in favor of where the picnic area was now, he said "if we keep it on the East side it's away from the traffic."

Wayne Hayward said he liked the way they have it now. He would just encourage another layer of green. Mr. Hayward said he could poll the Board unofficially to get an idea of what they thought.

Mr. Tassopoulos said that the food was basically Cal's Roast Beef to hot dogs. "Good all American food," he said.

Mr. Ouellette asked if there was going to be a drive through, to which Mr. Hayward said, "No."

Wayne Hayward unofficially polled the Board and all members, except for Gary Staffon agreed to leave the picnic area where it was.

Gary Staffon said, "I don't agree, but I can work with the Board."

There was a brief discussion on the plants/trees that would be planted along the back of the property.

Francis Budryk asked Mr. Ferreira when he came back with the plans if he could come back with colors, of what it will look like. He also said, "I would encourage you go get everything in writing from the Building Inspector and Board of Health so there are no last minute surprises."

Mr. Ouellette, from the audience said, 'No alcohol right,' and then said, "What if they wanted to get it in the future?"

William Roth said, "Town Meeting. They would have to go to Town Meeting."

Mr. Ouellette said, "What if they want to extend their hours?"

Rene Fleurent, Jr. said, "That's my concern; I'd like to make a special condition for hours."

Jeffrey Lucas said, "I would say 11pm to give them some leniency."

William Roth said he would add a special condition for hours.

Wayne Hayward commented on, the Town of Fairhaven is boring, not much is happening after 10pm.

Mr. Ouellette said, "You don't know the NEW Fairhaven."

Wayne Hayward said that the Public Hearing would be continued, and the neighbors would not be notified again.

William Roth said the Public Hearing would be continued until August 14th.

Gary Staffon asked if the Board was okay with the gravel area for employee parking, to which Wayne Hayward said, "Yes."

Mr. Tassopoulos said he was here to address the concerns of neighbors and work with everyone.

Gary Staffon moved to continue the Public Hearing to August 14th, and was seconded by Jeffrey Lucas. The motion passed unanimously.

IV. Long Range Planning

1. Chapter 316 Procedural Rules: Street Acceptance Procedure Flow Charts

Wayne Hayward explained there are four sheets that was included in everyone's packet. Wayne said the discontinuance of accepted street, we would have to change our code. He said that he checked with other communities and they usually hold two Hearings, which he feels may seem like overkill.

William Roth said that lots of places don't do it.

Wayne Hayward referenced code 316-9.

William Roth said he would look into it.

Wayne Hayward asked William Roth to keep this under long range planning.

2. Washburn Avenue: Subdivision Plans Endorsement and Security – Already completed in beginning of Meeting.

3. Chapter 322 Technical Specification: Chip Seal

William Roth said that he routed the chip seal language to all our normal routing list. He said that the Planning Board could hold the Public Meeting on August 14, 2012. He also said that he sent out individual copies to the Conservation Commission members. He said we could schedule Public Hearing or wait to see what comments come back.

Wayne Hayward recommended waiting a bit. He said, "As far as we are concerned we are all set."

William Roth did say that he routed the specifics with a deadline.

Wayne Hayward said, "As long as we're making progress I'm good with that."

William Roth said, "We could wait to see if I get any comments back."

Wayne Hayward said that once routed it should just be procedural and that he'd be surprised if there were no comments that came back, but then everyone came to the Public Hearing and opposed it.

Rene Fleurent Jr. said, "I don't see why a push. There's other Public Hearings set for that date, why not just schedule the Public Hearing for September."

4. Chapter 198-29.5 Wind Energy Facilities: Bylaw Review

William Roth said again that he has not received one phone call or one email from the Windwise Group. "I have yet to receive any input," he said.

Wayne Hayward said he didn't want to get political on the subject.

William Roth said he would really like to get some suggestions on how to proceed.

Wayne Hayward said there was a lot of issues, it's just not clean; and that there are too many questionable variables.

Gary Staffon suggested that Mr. Roth put together the information he has.. prepare it & give it as informational.

A brief discussion on receiving information to Mr. Roth and him preparing it for the Board Members so everyone has the same information.

V. OTHER BUSINESS:

1. Encumbrance – SRPEDD – CDBG New Target Area GIS Project – North Fairhaven

William Roth explained he had to wait until the end of fiscal year for planning economically. The Cushman Park area for last eight years has received \$6.183 million dollars over the last 8 years. He said the state had given them \$100,000. And they are not giving any money anymore. He said he has signed a contract with SRPEDD to get additional money encumbrance combined project and that the Planning Board has to approve the encumbrance the Planning board portion.

Mr. Roth said that the planning board had a little over \$300.00 and \$2800, so there's \$3100 between two accounts.to set up the mapping, data base to link GIS & the assessor's database to establish a new target area.

Mr. Roth explained the two census blocks: housing authority – just North of 195 in North Fairhaven and the river to Main Street up to Dover Street area. He said it's probably three years out, but 'if we don't do it now, we'll be behind the eight ball.'

Gary Staffon moved to authorize the Chairman, Wayne Hayward to approve the signature he did authorizing the encumbrance and was seconded by Francis Budryk. The motion passed unanimously.

Gary Staffon made a motion to adjourn, but was interrupted with Francis Budryk asking a question through the Chairman.

Francis Budryk asked the Chairman if he could "through him" ask a question to the Planner. Mr. Budryk asked Mr. Roth about the "dump" at Park Motors. "I personally want to see it cleaned up," he said.

William Roth said, "Park Motors area?"

Francis Budryk said, "Right."

William Roth went on to explain that the contractor, Pavao has use of the site through October for the Spring Street project. He also said he has been in touch with his Engineer and told him that the debris piles need to be taken away, and should be done as soon as possible. Mr. Roth said that area is used as a “staging area” for the Spring Street Project, and while the project is still going they would still be using that area. Mr. Roth also said that the Park Motors sight is going to be used for at least another year because the Town was awarded another project for Park Avenue.

Francis Budryk said, “I would like to object to that publicly.” He explained that most of the abutters in that area are mostly renters who don’t have much of a say, and that Mr. Roth needs to change that staging area.

William Roth said, “Mr. Chairman this has nothing to do with Planning Board. Mr. Budryk has been after me for four years regarding this, and this is a personal grievance against me.”

Francis Budryk said, “It is not a personal grievance, you are a Town Employee. You work for the Town.”

William Roth said that he sees using that area for at least three years out; and there’s no reason to have the Park Motors staging area if they move to North Fairhaven. “I’d have to look for a new area,” he said.

Mr. Budryk said, “then you can find another staging area now.”

William Roth said that this conversation was not a Planning Board issue and he was not going to discuss it anymore.

Gary Staffon again said he has a motion on the floor to adjourn. It was seconded by Peter Nopper. The motion passed unanimously.

Meeting was adjourned at 8:30pm.

Respectively submitted,

Patricia A. Pacella
Secretary to the Planning Board