

PLANNING BOARD MEETING of August 14, 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, Gary Staffon, and Francis Budryk

Members Absent - Joseph Morra

Planning Director William Roth was also in attendance.

Acceptance of Minutes July 10, 2012

Francis Budryk advised the Board of the misspelling of his first name within the minutes.

Jeffrey Lucas moved to accept the minutes of the meeting on July 10, 2012 with the correction to the spelling of Mr. Budryk's first name, and was seconded by Gary Staffon. The motion passed by unanimous vote.

Planning Board Bills

1. Staples - \$148.75. Gary Staffon moved to pay the Staples bill, and was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

II. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

None

III. PUBLIC HEARING

1. Special Permit – **Paul Tassopoulos** – 200 Huttleston Avenue

Wayne Hayward re-convened the Public Hearing for Paul Tassopoulos.

Engineer, Kenneth Ferreira was present to speak on Mr. Tassopoulos' behalf. He said that he had met with Bill Roth and incorporated changes into the plan that Mr. Roth and the Board suggested. He also said they spoke to the Building Inspector, who advised them in order to have outdoor seating they would need to have wheelchair accessible bathrooms. Due to the expense of having to build in bathrooms, the applicant is now just proposing a take out restaurant with no seating outside. Mr. Ferreira said that the plans were drawn up in two different phases. He said that Phase I they would stripe the parking lot; proposing no windows, just a door for walk-in for take-out. Phase II they would have the walkway, gravel parking lot, outdoor seating. Mr. Ferreira advised the last sheet of the plans showed the landscaping and so forth.

Wayne Hayward asked if the difference between Phase I & Phase II is the landscaping around the building? To which, Mr. Ferreira said, 'yes'.

Wayne Hayward asked about the lighting.

Mr. Ferreira responded a 5th light was to be installed. There are already 4 lights on the property.

Wayne Hayward asked about the curb cuts?

Mr. Ferreira stated it was the same on the Rt. 6 entrance, and narrower on the Shirley Street side.

Wayne Hayward said he could see that in two years time the applicant could easily want to expand, if business is good. Mr. Hayward wanted to be clear of what would trigger a new set of plans.

William Roth said that if the applicant wanted to add bathrooms that would not trigger a new plan, unless it encroached on parking. "Any change to the site layout would require a new plan," he said.

Jeffrey Lucas asked if there would be only outdoor access to the bathrooms?

Mr. Ferreira stated, "Yes. There's no bathrooms inside."

Jeffrey Lucas said, "if you're going from Phase 1 to Phase 2 to do the bathrooms, what's going to trigger outside in front for the parking spaces."

Mr. Ferreira said they would have to add the parking spaces because it's on the site plan.

Mr. Roth concurred, saying they would have to because it would be a requirement.

Jeffrey Lucas asked if the Board was approving both Phase 1 & Phase 2?

Mr. Roth said, "Yes."

Jeffrey Lucas stated he had difficulty approving a plan that may/may not be used.

Rene Fleurent Jr., asked why would the Board want to approve two phases?

Wayne Hayward said well the cost associated with doing a Phase 2 plan in the future that would require the Engineer to come back again.

William Roth said he could answer. He said that he would recommend the Board to approve the two full phases. He said that a full build out for bathrooms, if they want to take out parking spaces would trigger a new special permit. He also pointed out to the Board that in there packets were two letters of opposition.

Jeffrey Lucas advised he had some questions on the conditions. Wayne Hayward first went to the audience members. Mr. Hayward asked if Shirley Tribou, the person who sent both letters in was present, to which Ms. Tribou raised her hand.

Mr. Desroisers, of 15 Shirley Street said that he wrote the letters for Ms. Tribou, and he too had the same concerns. He said his concern was traffic and the nuisance value of parking.

Mr. Ferreira asked Mr. Desroisers to review the plans with him, to which they reviewed the plans in front of the Board for a few minutes.

Wayne Hayward explained that the site has traditionally had access to Shirley Street. "It comes with the property," he said. "He's agreed to put in these speed tables to help minimize speed through there."

Mr. Ferreira said, "yes, we do think that's important."

Gary Staffon asked in Phase 2 is the area going to be grassed in?

Mr. Ferreira responded yes, the whole area will be shade trees and lawn.

Another audience member and abutter, Raymond Sousa stood to speak. He said that he owned the house behind the property and his concern was people walking on his property.

Mr. Roth said, "It would be very difficult for someone to drive into your hedges."

"I'm not saying driving into them," Mr. Sousa said. "I don't want people walking on my property, or dumping their trash."

Mr. Ferreira stated they have moved everything away from his property. Mr. Ferreira then invited Mr. Sousa to come up and review the plans, which he did.

Mr. Sousa asked how high the trees would be? 8' tall?

Mr. Ferreira said probably be planted at 3-4 feet. Once they grow out in a few years, we will keep that way.

Francis Budryk explained that this has always been zoned as a business; and asked if Mr. Sousa knew it was business zoned when he built his house there, to which Mr. Sousa said he did know.

Mr. Budryk said that as the zoning exists now, we are making it as pleasant as possible.

"It's a quiet neighborhood," Mr. Sousa said.

Mr. Ferreira said, "The bottom line is with all the plantings etc; it's a lot better than what's there now. All these corrections are going to be better than a gas station."

Mr. Sousa said he just doesn't want people walking through his yard. "I just don't want any problems."

Mr. Ferreira said it would be mostly families, and they would be shutting down at 10pm.

Wayne Hayward said he knows it's a tough neighborhood because it's surrounded by businesses.

Rene Ouellette of 7 Shirley Street asked about the curb at 24'. He then went up to the Board and reviewed the plans with Mr. Ferreira who explained it was closer to the guardrail.

Mr. Ferreira said that people would have to make a square turn into the establishment from Shirley Street.

Mr. Ouellette asked the Board if they had any jurisdiction on the trash. He explained with Taco Bell it's an absolute mess.

William Roth said that he sent himself an email from his phone just now as a reminder to discuss the Taco Bell situation with Wayne Fostin the next day.

Mr. Ouellette said that the problem is the dumpster is not secured.

William Roth reviewed the changes to the special conditions with Mr. Ferreira and the Board Members to special conditions #1, #7 & #11.

Jeffrey Lucas had a couple of questions on the special conditions. Referring to condition #3, the no outdoor audio.

Wayne Hayward said the Board didn't want the outdoor audio.

Mr. Lucas then asked about #4 condition. "I thought we had a consensus to close at 11pm, not 10pm"

Rene Fleurent, Jr. asked for the meaning of 'operation' time as serving time or open?

They agreed to keep the condition as it states.

Jeffrey Lucas made a motion to approve the Special Permit with the 14 Special Conditions, with the changes to the verbiage that Mr. Roth had suggested for conditions #1, #7, & #11; and was seconded by Francis Budryk. The motion passed unanimously.

2) Special Permit – **Windward Power Systems, Inc.** – 379 Alden Road

Wayne Hayward called the Public Hearing to order and introduced the Planning Board members. He then asked William Roth to read the advertisement, to which he did. Mr. Hayward advised it takes a positive 6 votes to pass.

John Keegan, Site Engineers. He introduced the President of Windward Power Systems as Nathan Tynan. Mr. Keegan then went into the plan of the project, stating that the entire lot is paved; there is sewer & water into the site. There are also floor drains he said in existing building that will be used once developed. He advised the Board that the owners also want to construct another building, 3600 sq feet with a canopy. He said they will be going in front of the Zoning Board for a variance. He also stated they want to move the existing sign and have a new sign on the new building as well. He informed the Board that there will be 12 parking spaces, 8 in front, 4 in back for employee parking. The 8 in front will be used for delivery and customers. There would be only approximately 5 employees working at this site and 3 delivery trucks on-site. He said there would be a small retail on site with the engine repair in back of building. He said that the wetlands are 255' away from the building; and that the owners want to buy this building vs. leasing as they are doing currently in Wareham.

Wayne Hayward asked why the lines were set for the wetlands on the area.

William Roth explained that someone had come before this applicant to possibly do something in that area and they had the lines set. Mr. Roth also said that the BPW advised that the curb cuts were wider than standard and they would need get waiver from them.

Mr. Keegan explained they will be attending the BPW's next meeting which is in two weeks.

Albert Borges stated that Alden Road is a state highway.

Gary Staffon said that some parts of that road are.

Wayne Hayward asked about the retail space being 1000 sq. ft. "Just floor space," he said.

Nathan Tynan said, "Yes." He explained that the majority of the business is road service, and that customers do come in but it's very specific to marine diesel repair.

Jeffrey Lucas asked about the canopy use?

Nathan Tynan explained that either their own vehicles or a boat that was too big could be worked on under the canopy; that at least if the weather was bad they could work under the canopy.

Jeffrey Lucas said that his concern was the two spaces in front of the canopy; he wasn't sure how effective those spaces would be and that down the road the use could change.

Nathan Tynan responded that right now they have one boat in their shop, and that's rare. He said that in the winter they would use the space for storage and currently at the building they lease in Wareham they have less boat storage now than at this new place.

Jeffrey Lucas asked what size boats they are talking about. 64'?

Nathan Tynan responded, "No." He said the largest boat is about 45', he said anything larger getting down the road isn't efficient.

Francis Budryk asked what kind of material the canopy will be?

Mr. Tynan responded steel, high beam, same material as the roof of the building.

Peter Nopper said that he was happy to see the building and canopy on that property. "I think it's going to clean it up over there," he said.

Wayne Hayward asked why customers would go to them.

Mr. Tynan said that 'you're going to see us for marine diesel engine, an existing repair on a boat.'

Wayne Hayward said, "Not commercial?"

Gary Staffon asked if this was more a seasonal business. "Are you busier at certain times?"

Mr. Tynan said they started in June 2006, and it's about generating billable hours. Mostly in the winter they are inside because of the weather, but in the summer they go out to their customers building relationships.

Gary Staffon asked, "So parking is more in winter, less in summer."

Peter Nopper said, "It's so specialized not retail like you think it is."

Mr. Tynan said they have to stock what they need for parts.

Wayne Hayward said if they needed overflow of parking there was no parking on Alden Road. Then he wondered aloud what the noise associated would be.

Mr. Tynan said the hours are 7:30-5:00 Monday thru Friday; and 7-1 on Saturday.

Gary Staffon asked if the area was zoned business; to which Mr. Roth said it was.

Wayne Hayward asked if any abutters were in the room to speak.

Lindsay Gordon of Atria asked about noise levels; and if the proposed building would alter shrubbery in any way?

Mr. Tynan responded that he would like to leave it the way it is. He said they have no desire to take anything down. We've been able to co-habitat with their neighbors in Wareham very well.

George Norton, of 8 Deerfield Lane stood to speak. He explained to the Board Members that his concerns were the down winds of smells and the noise. 'My concern is the diesel smell', he said. He said that he was not used to seeing barbed wires in that neighborhood. He said his concern is for his grandkids, who enjoys seeing the wildlife behind his yard. 'I don't want, don't like the idea of putting industrial there.'

John Keegan said that they are 250' away.

Mr. Norton said, "I can see you guys; I like to see trees. 250' is not very far away when you're blowing diesel fuel. The way I feel right now, no one is saying anything that I'm happy about."

Wayne Hayward said there would be no further expansion, they wouldn't have enough room.

Gary Staffon said that the area is a business zone. He said that this would be less invasive of what Delta Electric did when they were there. He reminded Mr. Norton that Deerfield Lane was built years later Delta Electric was there.

William Roth explained that the Planning Board does not vote on the "use" but on the plans that they are in accordance to by-laws, etc.

Wayne Hayward asked if there would be any painting or sand blasting?

Mr. Tynan responded, "Nope. We don't have that equipment and we don't have that desire."

Jeffrey Lucas had a couple of questions. One being in regards to the Staff Report criteria; he said we didn't really waive anything.

William Roth said it's totally paved, so by removing pavement they were moving toward compliance.

Jeffrey Lucas said, "I understand that. I just don't want to set a precedent, someone says oh you gave them a waiver..". He then asked about the dumpster. "I see a dumpster pad here, are you enclosing the dumpster," he asked.

Mr. Tynan said it will be fenced in with screen across front. "We're planning chain link around."

Jeffrey Lucas asked if the sides would be screened in. My Tynan nodded yes.

Linda (Nathan's Mom) stood up to speak for her son; she told the Board that his wife is a 1st grade teacher in Fairhaven, and she lives in Fairhaven. She said she was speaking on the emotional side that it's someone young who wants to do business in our area, she hopes they approve the project.

Francis Budryk advised there was a local Fairhaven business association in Town and that they would welcome the new business.

Mr. Tynan said, "If we do not operate efficiently we would not survive." He went on to say they build relationships, they become part of a community to which they are in. They have won two business awards. "We know we're under a microscope," he said. "It is not the way we operate."

Wayne Hayward asked about the oil water traps.

Mr. Keegan explained that both buildings will have an oil water separator to receive a run off from floors, to keep any floor drops. He said it would be on a maintenance schedule to be kept clean.

William Roth said that the variance meeting is being held on September 4, 2012, and that his report is recommending an approval, he is also recommending waiting until after the September 4, 2012 Board of Appeals meeting, just in case there are any changes.

Wayne Hayward suggested they take a vote tonight for the parking spaces.

William Roth said, "If no issues, condition #3 is for the parking spaces." Mr. Roth said that if the applicant wants to continue to the meeting to the September 11, 2012 meeting, after they've been to BPW and Board of Appeals, that's what he would suggest.

Wayne Hayward asked the Board Members if they were okay with the plans as it was.

Gary Staffon asked if they were just changing the species of trees right in front; to which Mr. Tynan said they were.

George Norton asked how many certified letters went out to neighbors.

William Roth replied, "24".

Gary Staffon made a motion to continue the Public Hearing to their September 11, 2012 meeting at the applicant's request, and it was seconded by Jeffrey Lucas. The motion passed unanimously.

IV. LONG RANGE PLANNING

Wayne Hayward passed out a booklet to Board Members that he received from the Buzzards Bay Coalition for review.

Wayne Hayward advised the Board he spoke to William Roth prior to the meeting and about the Long Range Planning items.

William Roth said, he had not worked on them since the last meeting.

Mr. Roth said that he is ready to advertise a Public Hearing for the chip seal.

Wayne Hayward asked if the flow chart would be at the same meeting?

William Roth said, 'no. it wasn't necessary to go to a Public Hearing.' He explained that he just needed to work with the Selectman regarding it.

"Let me sit down with Mr. Osuch," Mr. Roth said. "I'll get with him and go over the street acceptance procedure flow charts."

Gary Staffon made a motion to set up the Public Hearing on the September 11, 2012 meeting for the Subdivision Regulation amendment adding chip seal, and was seconded by Peter Nopper; the motion passed unanimously.

William Roth advised he hasn't heard anything on the Windwise. He said that he would submit a draft Wind Mill bylaw with red line changes and present the information to the Board for their review at the next meeting.

Gary Staffon asked if there were any word on any of the studies happening now?

Mr. Roth said, 'just what he read in today's paper.'

In other business, Wayne Hayward said there was an issue with Joseph Morra resigning. He said that the Selectman have been discussing it, and it is a formal process to resign your position as it is an elected position. Mr. Hayward said that Mr. Morra is just not coming, not calling and that he has been trying to encourage him to come in to officially resign.

Mr. Roth said that Mr. Morra did send an email for his resignation. "It's opinionated and interesting," he said. He advised the Board he will forward it to each member.

William Roth also told the Board that the Greater NB Realty Association wants to meet with them to discuss the sign by-law; and asked if he should book them for the September 11, 2012 meeting?

"Basically, they want the law changed to allow open house signs to direct you. They want the by-law to be changed," Mr. Roth said.

Wayne Hayward said, "but don't we do that now. There is no enforcements now."

William Roth said, "he says he's going to enforce it now," Referring to the building inspector.

Wayne Hayward said, "that wouldn't be an easy amendment to change." He also said that the Board should be included in the loop between the building inspector and Greater NB Realty.

William Roth advised that he would send letters and all information to Board members.

"A little background information would be helpful," Mr. Hayward said.

Jeffrey Lucas made a motion to adjourn, which was seconded by Gary Staffon. The motion passed unanimously.

The meeting ended at 8:26pm. The next meeting is September 11, 2012.

Respectively submitted,

Patricia A. Pacella
Secretary to the Planning Board