

**PLANNING BOARD MEETING of February 10, 2015
Town Hall Banquet Room**

A. ADMINISTRATIVE BUSINESS:

Quorum/Attendance:

Present: Wayne Hayward, Chairman, Peter Nopper, Jeffrey Lucas, John Farrell, Jr., Gary Staffon, Kaisa Holloway-Cripps and Ann Richard.

Absent: Rene Fleurent, Jr.

Planning Director, William Roth, was also in attendance.

Chairperson, Wayne Hayward – Opened the meeting at 6:30 p.m. Mr. Hayward indicated to the Board and Public that the meeting was being recorded.

Acceptance of Minutes:

Jeffrey Lucas made a motion to approve the December 16, 2014, minutes and was seconded by Gary Staffon. The motion passed unanimously.

Jeffrey Lucas made a motion to approve the January 13, 2015, minutes and was seconded by Gary Staffon. The motion passed unanimously.

Kaisa Holloway-Cripps abstained from January 13, 2015, minutes.

Wayne Hayward commented that more paraphrasing of what transpired should be in future minutes.

Planning Board Bills:

Refund - Blue Wave Capital, LLC - \$2,500

Kaisa Cripps made a motion to approve refund of \$2,500 to Blue Wave Capital, LLC and was seconded by Gary Staffon. The motion passed unanimously.

Fairhaven Neighborhood News – ADS - \$120.00 – Brahmin Leather #4 - \$60/Mill Bridge Holdings #2 - \$60

Jeffrey Lucas made a motion to pay Fairhaven Neighborhood News \$120.00 and was seconded by Gary Staffon. The motion passed unanimously.

GCG Associates - \$760, Engineering Review for Brahmin Leather #4.

Gary Staffon made a motion to pay GCG Associates \$760.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.

B. CURRENT PLANNING:

Receipt of Plans:

1. Petitioned Bylaw Text Amendment – Wireless Communications Facilities – Tom Melanson
2. Petitioned Bylaw Text Amendment – Solar Photovoltaic Energy Facilities – Tom Melanson.

Wayne Hayward noted these were private zoning article petitions and the Selectmen have placed them on the warrant.

Mr. Roth indicated he would get the completed formal application and make sure the appropriate advertising fees are paid. Mr. Roth said there were no abutters due to the fact it is a text amendment to the Use Schedule to the zoning bylaw, but would double check, and was recommending the second meeting in March.

3. **Special Permit Application - Coastal Compassion.**

William Roth indicated they submitted Special Permit for 2 Pequod Road and was recommending Public Hearing of March 10, 2015.

Jeffrey Lucas made a motion for Coastal Compassion plans on March 10, 2015, meeting and was seconded by Kaisa Cripps. The motion passed unanimously.

Approval of Plans:

None.

C. PUBLIC HEARING AND MEETINGS:

1. **Special Permit - Mill Bridge Holdings, LLC – 200 Mill Road (Cont'd from 1/27/15).**

Mr. Roth informed the Board that all the attorneys were finalizing plans and would like to continue. He is recommending March 10, 2015 and has re-noticed the hearing and abutter notices. Mr. Staffon asked if this was regarding the joint parking and was confirmed by Mr. Roth.

Kaisa Cripps made motion to continue the hearing to March 10, 2015 and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. **Special Permit - Brahmin Leather Works #4 – 77 Alden Road (Cont'd from 1/27/15).**

John Keegan, Sitec Engineering was present.

Mr. Keegan advised they have finished GCG review and they have a memo from Bill recommending approval. The plans have gone through revision and the location of everything was still the same.

William Roth spoke with the owner and he recommended he go with the hearing, have his engineer present and if the Board was ready to approve it, he recommended continuing it to the first meeting after the Conservation Commission hearing. Mr. Roth advised there was very little change from the Brahmin #3 application and it was down to engineering technicalities. Mr. Roth noted both himself and the Town's Consultant Engineer were recommending approval. Mr. Roth is recommending approval subject to the 18 conditions identified on the memo dated January 22, 2015.

Mr. Keegan explained they can only comply with 43% infiltration rate because of soils and ground water elevations. There will be some infiltrations, but the calculations submitted says they can only meet 43% of what would have to mitigate for the 10 year storm, pre and post.

Mr. Roth indicated everything else was standard conditions and the landscaping was reviewed and it complied with everything. The landscape included specifically-engineered rain garden for drainage. Mr. Lucas asked what a rain garden was and Mr. Keegan said it is a bio-retention best management practice. The purpose of it would be to act like a wetland, but it does not have all the functions of a wetland and it came in at the suggestion of the Conservation Consultant. (Reviewing plans) (Discussion ensued.)

Wayne Hayward suggested continuing.

Kaisa Cripps made a motion to continue Brahmin Leather Works #4 to March 10, 2015, at the applicant's request and was seconded by Jeffrey Lucas. The motion passed unanimously.

D. LONG RANGE PLANNING:

1. **Master Plan Discussion:**

William Roth indicated he was going to create a file box of different plans they have for a consultant when that time comes but hasn't had a chance to do so yet.

Kaisa Cripps said the Commonwealth dumped snow in the Boston harbor and didn't know if it had been addressed in Fairhaven and what was the Town's and Planning Board's view on the issue was and thought it would be something to consider. (Discussion ensued.)

William Roth advised he did not think snow removal was part of the Master Plan; it was Emergency Management and Board of Public Works issue.

John Farrell, Jr. asked if they have heard from the Department of Public Health regarding Coastal Compassion and where they were at on issuing licenses. Mr. Roth advised things were moving forward and it would be heard on March 10, 2015. (Discussion ensued.)

2. AUTO DEALER USE – Potential Zoning Amendment

William Roth reiterated his focus has been on the block grant application and Planning Board packet and has not attended to this.

Jeffrey Lucas said he still sees a can of worms and doesn't know how to do it without multiple business districts.

Wayne Hayward said they were going to have to address all uses.

John Farrell asked if there was a need for it and Mr. Roth indicated there was.

Jeffrey Lucas wondered if there was any way of introducing multiple business districts without doing it all at once. Mr. Hayward said they would have to create districts.

William Roth said there are significant issues with the auto dealers, both brand new or modification needs a special permit. The Board can review it and the Licensing Authority can license a number of cars based on the site plan. If it can't fit on the site and they are using a public right of way, then they have a problem with the license and there are too many vehicles. (Discussion ensued.)

Wayne Hayward said the regulation can take effect after 6 months and compliance can be enforced as they come in. The Board would need to look carefully at what the trigger would be and how to identify and define it. The problem is when they want to expand and add more cars. (Discussion ensued.)

Kaisa Cripps asked if business is sold, would that trigger a new special permit or would the Special Permit transfer from one owner to another. Mr. Roth said it would be very hard to require a new Special Permit for a change of ownership. The trigger would be modifications to the site and license.

Mr. Hayward said they need to look carefully at what the triggers would be and continue to look at this.

E. CORRESPONDENCE:

None.

F. OTHER BUSINESS

William Roth indicated the based on the Planning Board's meeting schedule the next meeting would be February 24, 2015, but he will not be here and currently there are no Agenda Items. Therefore, if nothing comes in he is recommending that there not be a meeting.

Wayne Hayward asked if there was anything new on EJ's. Mr. Roth indicated he spoke with the enforcement officer and he has not dealt with it nor has Mr. Roth received any update.

Gary Staffon said he felt with spring close, she may have more time to address the issues. Mr. Roth felt that due to the weather that the remaining issues could not be done at this time.

John Farrell, Jr. asked if there was any way to compel the enforcement officer to act and Mr. Roth said under the law, he has 14 days to address this, which has expired.

Wayne Hayward indicated there is a seat available for the Planning Board and papers would have to be picked up by the end of the week.

William Roth advised there is a Public Meeting being held at the Seaport Inn on February 11, 2015, from 6 – 8 p.m. with Mass DOT, Town of Fairhaven and the City of New Bedford regarding design concepts and alternatives for replacement of the Fairhaven/New Bedford Bridge. It is in the initial planning stages. Mr. Hayward asked if there was funding in place for it and Mr. Roth advised there is funding for the design, environmental and to start the permitting process.

Wayne Hayward asked if they have to show local need and Mr. Roth said no. It is a huge project and Mass Highway has initiated the project and coordinating the process. It is Federal and State transportation dollars. (Discussion ensued.)

William Roth recommended that the next meeting be on on March 10, 2015.

John Farrell, Jr. made a motion to adjourn and was seconded by Kaisa Cripps. The motion passed unanimously. The meeting adjourned at 7:41 p.m.

Respectfully submitted,

Tracy White,
Recording Secretary