

Minutes
Fairhaven Planning Board
Tuesday, August 14, 2018 – 6:30 p.m.

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2018 SEP 12 A 10:42

1. **GENERAL BUSINESS:**

- a) Chairman, Wayne Hayward opened the meeting at 6:30p.m. and advised the meeting was being televised and recorded to a live feed on social media.
- b) Clerk, Ann Richard advised there was a quorum.
Members present: Wayne Hayward, John Farrell, Ann Richard, Cathy Melanson, Rene Fleurent, Jeffrey Lucas and Jay Malaspino
Members absent: Geoffrey Haworth

Town Planner, Gloria McPherson was also in attendance

- c) Minutes: acceptance of the minutes of the meeting of July 10 and July 24, 2018

Ann Richard made a motion to accept the July 10, 2018 minutes as presented and was seconded by Rene Fleurent. The motion passed unanimously.

Ann Richard made a motion to accept the July 24, 2018 with one amendment, adding that Geoff Haworth was absent at that meeting and was seconded by John Farrell. The motion passed unanimously.

- d) Planning Board Bills: None
- e) Correspondence: None

2. **CURRENT PLANNING:**

- a) Receipt of Plans: None
- b) Approval of Plans: None

3. **PUBLIC HEARINGS:**

a) ***PLN-19-001 40 Sconticut Neck Road***

Special Permit application by Stuart J Ryan, Jr. pursuant to Zoning Bylaw Section 198-29(2), Additions or enlargements that would require a total of five or more parking spaces for a proposal to construct an addition to the front of an existing adult day health center, at the property located at 40 Sconticut Neck Road, Assessors Map 28, Parcel 24G.

Board Clerk, Ann Richard read the advertisement for the Public Hearing.

Nick Dufresne was present on behalf of Farland Corporation on behalf of Mr. Ryan who was also present to speak about the project. Mr. Dufresne stated they were proposing converting the front entrance canopy area to construct a 1300 sq. feet addition and relocating parking. They were going to increase staff to three additional employees and one nurse.

Town Planner, Gloria McPherson asked about the circular vehicle entrance and how that would work with vehicles departing the area. She referred to either going out the South entrance and looping back into the North entrance, or if they would just drive to the back of the building.

Owner, Mr. Ryan was present and stated that there was adequate room for two lane traffic in the front of the building. He said once the last trip with the minivan dropped off the clients, they would then back up that front area, and drop the van off in the back of the building.

Ms. McPherson stated then it would be a one-way traffic pattern, to which Mr. Ryan replied, 'Yes.'

Resident Margaret McQuillan stated she came tonight as she was concerned about additional rear parking, but as she can see from the plans there was no new proposed parking spaces in the rear.

Chairman, Wayne Hayward was also concerned about the internal circulation of vehicle traffic and suggested that it be part of a Special Condition that all vehicles must exit the south entrance and enter the north entrance. Mr. Hayward didn't want to see an increase of the vehicles just coming out onto Sconticut Neck Road as it could cause increased accidents.

Jeffrey Lucas asked about the type of business that was at the location; to which Mr. Ryan explained it was an adult day care center.

Mr. Ryan said for the most part, the population that attends are confined to wheelchairs and are always with staff.

Mr. Ryan also stated they had another facility and most of the vans are parked at the second facility.

Ms. Richard commented on the landscaping and suggested they propose a landscaping plan, to which the applicant agreed to doing.

Jay Malaspino asked questions concerning if the consumers would ever be behind the vans at any point, he could see that as hazardous if the van was backing up to park in the rear.

Mr. Ryan stated once the consumer is in the building with staff, the door is locked, and they cannot exit.

Jeffrey Lucas gave his thought process on all projects and stated that he wasn't worried about this business but if the business was to sell in a few years and someone else buys the building things would change.

Ms. McPherson advised that they could condition the Special Permit to run contingent with the owner.

Cathy Melanson stated that the Board shouldn't be looking into the future to what the business could be but what is presented currently.

Mr. Lucas stated he likes to let the applicant know how his thought process is in asking the questions he does.

Again Ms. McPherson stated that could be a condition for the Special Permit to run with the applicant.

Mr. Hayward said a lot of times once the Special Permit is granted the business doesn't come back in front of the Board a second time.

There was a discussion on parking spaces, so Mr. Hayward stated the Board can set the parking rate at the site.

Wayne Hayward made a motion to set parking at this site for 24 parking spaces and was seconded by Rene Fleurent. The motion passed unanimously.

Ms. McPherson stated she routed the plans to Fire, Police, and DPW. Fire and Police signed off on them, noting that Fire would still have to sign off on the building, that this was just the site plan sign-off; she didn't hear from DPW.

Ann Richard made a motion to continue the Special Permit hearing to the August 28, 2018 meeting at 6:30p.m. and was seconded by Rene Fleurent. The motion passed unanimously. The board asked the applicant to develop a landscape plan for the island on Sconticut Neck Road, and to relabel the building elevations with the correct north, south, east and west views, before the next meeting.

4. LONG RANGE PLANNING:

- a) Discussion regarding potential ZBL amendment addressing recreational marijuana.

Gloria McPherson suggested the Board go through section by section to get a broad overview of the proposed bylaw and to raise any general questions during the discussion. The first sections, she stated, are all definitions of marijuana consumers, marijuana "retailers"; retailer meaning interface with public.

Ms. McPherson reviewed the Draft document dated August 8, 2018 for discussion purposes only. She reviewed the use regulation table.

Mr. Hayward presented the Board with a color coded Use Table for less confusion when reading and understanding the different uses in the different districts.

Discussion was had on two uses that look similar but are very different: transporting from medical to patient's home and delivery only and marijuana transportation will be separated.

Discussion on the cap, the number of Special Permits that will be issued for Marijuana Retailers. 20% limit or 2.

Mr. Hayward went in front of the Board of Selectmen last night, August 14, 2018 to ask if they were going to be putting a ballot question out there to cap out the marijuana retailers. Mr. Hayward said that what he understood from the meeting was that they had already made the decision at a previous meeting not to put forth another ballot question.

Ms. McPherson stated even if there was a ballot question proposed, the Planning Board would still have to put the Zoning By-Law forth, in case the ballot question failed. She stated the Board would still have to complete this task.

Wayne Hayward laid Robert's Rules of order on the table, and encouraged the board members to speak freely with questions as they continued to go through the information.

There was continued discussion on the cap.

Ms. Richard asked if the Selectmen were thinking of proposing a "Host Community Agreement" and perhaps if yes, those fees would be needed to add to this discussion.

John Farrell suggested tightening up the language on page 8, #3; clarifying how they have to come before the Board.

Discussion on hours of operation either doing it up front in the by-law or on a case to case basis as a special condition.

Cathy Melanson stated that all hours should be set up by the Planning Board.

Mr. Farrell stated that he feels it should read like any of their other special permit language. The standard procedures.

Discussion was had on signage and abiding to current signing bylaw.

Discussion on how many feet away from school zones that the Board wanted to implement.

There was a discussion on how soon the Board wanted to have a draft ready for a public forum. Mr. Hayward stated he would like a draft ready for September 25, 2018.

Mr. Hayward again, discussed his meeting with the Selectmen from the previous night. Mr. Farrell asked if Mr. Hayward attended as a citizen of the Planning Chair.

Mr. Hayward stated that he presented questions to the Board as the Planning Chair. Some of the Board members felt that Mr. Hayward should've identified to them that he was attending the meeting as the Chairman, so they could attend if they wanted.

Mr. Hayward stated that the Selectmen had asked him to come back to the Board at an upcoming meeting with the Town Attorney and members of the Ad-hoc committee to review some concerns.

Discussion ensued.

Resident, Bernard Roderick was in the audience and stated that he wanted to compliment the Planning Board for the discussion and healthy debate they were having about a huge topic in Town. He said that he was present to gain more insight on the by-law and as a citizen was going to approach the Board of Selectmen to ask them to authorize a ballot vote for a second chance.

Mr. Hayward reiterated that the zoning by-law would move forward with or without a ballot question.

Ann Richard made a motion to adjourn and was seconded by Cathy Melanson.

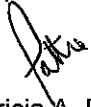
John Farrell asked one more question, on whether or not Jay Malaspino's name plaque had been ordered as of yet. To which, Ms. McPherson stated it had.

On the motion, the motion passed unanimously for adjournment at 9:34p.m.

Documents reviewed:

- 1) Draft discussion only Marijuana By-law – August 8, 2018
- 2) Town of Fairhaven Zoning Map1
- 3) Principal Use Table – Color Coded by Wayne Hayward

Respectively submitted,


Patricia A. Pacella
Recording Secretary