

FAIRHAVEN PLANNING BOARD
January 12, 2016
Town Hall Banquet Room

A. ADMINISTRATIVE BUSINESS:

Wayne Hayward opened the meeting at 6:30 p.m.

Quorum/Attendance:

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

Absent: None.

William Roth, Planning Director, was also in attendance.

Mr. Hayward introduced the New Town Administrator, Mark Reese.

Mr. Reese thanked the Board for the invite and noted he is honored to be the new Town Administrator of the new Change of Government Act recently passed. Mr. Reese thanked the Board for all their hard work and efforts in keeping Fairhaven going in the right direction. Mr. Reese noted he is coordinating with the different departments to increase economic activity, to attract new business and help existing businesses. The Board welcomed Mr. Reese and Mr. Hayward introduced the Board members.

Acceptance of minutes:

None.

Planning Board Bills:

1. Ads – 89 Account – Southcoast Media Group – Clean Energy Collective, LLC- \$87.40

Mr. Roth explained Southcoast Media Group bills in 2 parts. The Neighborhood News was not publishing so they had to go to the Advocate.

Mr. Lucas made a motion to pay \$87.40 to Southcoast Media Group and Mr. Farrell, Jr. seconded. The motion passed unanimously.

B. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

None.

C. PUBLIC HEARING:

1. Text Amendment – Chapter 198, Section 16, 25, 27 & 33 – Motor Vehicle & Boat Sales (Cont'd from 12/8/15).

Mr. Roth said it is continued and there are people here for it. Mr. Hayward opened continued public hearing.

Mr. Hayward said the final updated changes have been sent out.

Mr. Roth reviewed the changes, said the first was they discussed the use of bodywork and painting is listed in the bylaw, but not in the Use Table. It is allowed strictly by Special Permit in Industrial District

and that is what was added. Also said motor not motor vehicle, that was changed; and item E was a recommendation by Mr. Fleurent. Mr. Roth indicated instead of listing the individual districts stating, "Against residential district" in case of an addition or deletion of one. Mr. Roth feels Amendment E is less restrictive than the current code and is not needed.

Mr. Hayward asked how it fairs in terms of impervious lot coverage. (Discussion ensued.)

Mr. Fleurent, Jr. said of all the usable property there is under present bylaw, that they can't have the full extent of the land; only 90% of usable land can be used in the calculation.

Mr. Lucas said they are already taking the setbacks, why restrict 10% more.

Mr. Fleurent, Jr. gave an explanation and feels the businesses in residential areas are maxed out and wants to be respectful to the neighbors.

Mr. Lucas feels that the bylaw has a 50 ft. setback, which is adequate and why restrict them further.

Mr. Farrell, Jr. felt the setbacks take care of this issue.

Mr. Roth said the Planning Board has great discretion to look at the use and area and they could even impose further restrictions.

Discussion ensued.

Frank Coelho said he was looking over proposals and would hope the Board would re-think and change a separate garage bill. At the time the license was requested, it was not for a wrecker business, but has since changed to that and all you hear is beeping. He would hope a Special Permit should be required for a wrecker business after the fact.

Mr. Hayward said they are not grandfathered. The Board of Selectmen control licenses. Mr. Hayward said the process does need to be streamlined better.

Mr. Coelho said he would be happy if the Board would consider it.

Mr. Hayward said any site containing 5 spaces or more requires Special Permit. If they change the Use or go over allotted space, it will trigger it.

Ann Richard noted the hours of operation have changed per what Mr. Coelho said. So they are changing use of space and hours of operation and what could be done for the future.

Mr. Roth read 198-23 into the record.

Albert Ouilette of 70 Shirley Street was here to address the 50 ft. setback to Residential zones. They could always go to the Board of Appeals and get a variance.

Discussion ensued.

Mr. Hayward noted there was a lot on the agenda and this can be continued again.

Mr. Farrell, Jr. said he would ask for a vote to remove "E" entirely. It leaves a lot of room for misinterpretation or a loop hole and he believes it is done in setbacks.

Mr. Hayward believes it is Special Permit.

Mr. Farrell, Jr. made a motion to strike "E" in its entirety and was seconded by Mr. Staffon. The motion failed 5-3.

Ms. Cripps made a motion to continue to next meeting January 26, 2016 and was seconded by Mr. Farrell, Jr. The motion passed unanimously.

Mr. Hayward feels towing is an accessory use and Mr. Roth agrees.

Mr. Roth said he would revise "E" to make it clear.

Mr. Coelho said he is not talking about someone who breaks down. He is talking about someone doing it all night. A tow yard.

Mr. Roth suggested speaking with him outside of the meeting and he may be able to direct him on how to file a complaint with the Zoning Enforcement Officer.

2 Special Permit – **Clean Energy Collective, LLC** – Solar Farm – 197 New Boston Road

Mr. Roth read the advertisement into the record.

Rich Charon, Engineer for the Applicant was present.

Greg Carey the Community Solar Manager with Clean Energy Collective was also present.

Mr. Carey noted Clean Energy Collective is a community solar Development Company based out of Colorado with a local office in Worcester. Doug Carton, Project Manager CEC and Clarke Fenner with Stellar Energy, LLC, a Development Partner with them and Rich Charon, Site Engineer.

Mr. Carey said he grew up here and it is great to be back. Mr. Carey explained what Clean Energy Collective is a community solar developer. They sell the power that is produced from their solar projects to residential customers. They have a program called Solar Perks and they have a marketing team, if project is approved, they will sell power to residential customers in the Eversource territory who want to purchase clean energy and can't afford to put solar panels on or don't want to lease panels or for whatever reason. CEC gives them the opportunity to purchase solar with no money down. It has been a very successful program. There is a direct benefit to the residents of Fairhaven. CEC would be leasing 14 acres of land from the Costas on New Boston Road.

Mr. Charon gave a description of the Costa farm parcel on the plan. The area they are looking at is the corn field. The terrain slopes up and the soils are fairly compact and dense. The water table is about 2-1/2 ft. down. Mr. Charon explained there had been berming done some years ago and wetlands separate the parcel. In trying to come up with a storm water management plan, they would have to have 2 collection points. What they have done instead is a little bit of grading on the easterly side and adding fill to change the direction of the flow where they will only need one collection point. They have to meet DEP requirements. There are no pollutants and they will be hydro-seeding once panels are in place. Discussion ensued.

Mr. Charon has met with Mr. Roth and Mr. Carter, Planning Board's Consultant Engineer, and there are a few changes to be made, which will be done for next meeting. There is an access easement and is within the limits of the leased area. They will be adding a 20 ft. paved apron for the trucks coming in and crushed shell, then a gate and fence with enough room to be able to get around the property. It was wondered if there would be solar glare and Mr. Charon said the glass is formulated to accept the sun's light. Mr. Charon said the transformer is in the heart of the system to reduce the sound. The units are smaller and create less sound. Mr. Charon said the site also has 3-phase power off New Boston Road. They are looking at 3 poles and we go by what Eversource determines. There is information provided on who to contact for any issues. Mr. Charon feels it is a passive use and there is no traffic or no noise created so impact for the Town is minimal.

Mr. Roth said the first 2 items from the ANR, re: surveying the site and re: lease line/property line, have been addressed. Landscaping of which they have clear direction not to use boxwood and use more evergreen trees. They will be providing sheet with electrical plan. They will address description of solar facility in re-submittal letter also with F16. Signage, they will have a prototype. Parking was identified; Glare was discussed and there is Mass DOT info and does not feel glare will be an issue. G11 vinyl fencing to meet code requirement. They provided a breakdown of removal costs and still discussing surety.

Mr. Roth said he did receive a review letter from Mike Carter of GCG, regarding storm water regulations and it was reviewed line by line. They will list the necessary waivers. Mr. Roth said Fire Chief approved site plan only. No comments Police Chief or Board of Health or Public Works. Mr. Fostin noted they needed to file an RDA and they have filed. And the applicants are aware they have to file 61A and there were some back taxes and water bills, but have since been paid.

Mr. Roth is recommending holding the hearing and taking in comments, making any other modifications the Board requests and allowing the applicant to continue to address the items. Mr. Hayward asked if abutters were notified and Mr. Roth said they were.

Mr. Lucas asked how many acres were being leased and Mr. Charon 12-1/2 - 13 acres.

Mr. Farrell, Jr. asked if there were any setback issues and Mr. Roth said there were none and will check zoning.

Ms. Cripps said it is Chapter 61 land and asked if the process has been started and Mr. Charon said it has not and they are waiting on storm water review re-design. Ms. Cripps suggested collecting and using the runoff water on the farm.

Discussion ensued.

Mr. Hayward asked what was stone diaphragm and pipe and Mr. Charon explained it is a DEP approved BMP, along with the 25 ft. vegetative strip, acts as a pre-treatment BMP for the detention pond. Discussion ensued.

Mr. Staffon asked re: the landscaping and said he would be looking for 6' - 8'spruces. Mr. Staffon made suggestion of Leland cypress, which does not get eaten by deer.

Mr. Farrell, Jr. asked re: hydro-seeding, what was going to be done. Mr. Charon said the fields have a thick, rich layer of topsoil. There is very little erosion. It is hydro-seeded and there is a good root system.

Discussion ensued.

Mr. Hayward asked as far as build-out and Mr. Carey said it would be built at one time.

Ms. Cripps asked the time to build-out and Mr. Charon said it will go pretty quickly, 60-90 days.

Mr. Hayward said he was concerned with the pile driving and hours of operation and asked for consideration regarding that.

Mr. Hayward asked if there were any concerns and there was none.

Ms. Cripps made a motion to continue to February 9, 2016 and was seconded by Mr. Staffon. The motion passed unanimously.

D. LONG RANGE PLANNING:

1. Master Plan Sub-committee Update – Rene Fleurent, Jr.

Mr. Fleurent, Jr. said they have met twice since the last Planning Board meeting. They have reached out to communities who have done Master Plans in the last few years and they have also met with SRPEDD and Community Opportunities Group. They presented the Town's intentions and both individuals felt if Fairhaven had \$110,000, they should have enough funds to develop the Master Plan.

Mr. Roth indicated that \$25,000 of the \$110,000 has been requested from the CPC; therefore, the general fund Town Meeting Article would be \$85,000.

Mr. Fleurent, Jr. felt they could do more internally since they were revising a Master Plan not starting anew. He suggested they meet a few more times and discuss in greater detail.

Mr. Hayward said they had not seen any minutes since the beginning and feels they are kind of in the dark. He would like to see the minutes.

Ms. Cripps said Mr. Roth has taken minutes. Mr. Roth indicated they are hand written notes and he has not been able to get them typed up.

Mr. Farrell, Jr. does not see why they cannot go forward and asked about the DLTA grant. Mr. Roth said there are time requirements they would have to follow and they would be locked in with SRPEDD. It does not work for them.

Ms. Cripps said they spoke with 14 different municipalities.

Mr. Hayward said he felt in the dark as he has not received any minutes. Mr. Hayward felt they were ready to vote and he has not seen any minutes. Mr. Fleurent, Jr. said they have given feedback and been kept updated.

Discussion ensued.

Mr. Roth will get the minutes together so the sub-committee can vote.

Mr. Staffon said if they do not like what they hear they can pass over.

Mr. Fleurent, Jr. strongly feels that we can do a plan for \$110,000 and, if received it, wondered if they were restricted to hiring a consultant or could they use it for something else, like an intern; do they have options or if they are limited to a hiring a consultant.

Mr. Farrell, Jr. said they will have this plan for 20 years.

Ms. Richard feels if the whole Committee is not comfortable, they should table it. If they don't move forward now, it will not go forward until next year.

Mr. Hayward said that was not acceptable to him and reiterated he felt out of the loop.

Mr. Fleurent, Jr. feels with the three members here are sufficient with what they are saying and the minutes will not reflect anything different from what they are saying.

Discussion ensued.

Ms. Cripps made a motion to present Town meeting article.

Mr. Hayward feels he set up a committee for a reason and there are no minutes and everyone should be on the same page.

Mr. Roth said he would look at getting the minutes together and package together for the next meeting.

Mr. Fleurent, Jr. made a motion that the Town of Fairhaven will raise or appropriate, borrow or transfer from available funds \$85,000 for the Town to prepare a Master Plan and was seconded by Ms. Cripps. The motion passed 5-3.

E. OTHER BUSINESS:

1. Review Planning Board Town Annual Report

Mr. Hayward said he would like to move paragraphs 2 and 3.

Ms. Richard said her name is not with an "e".

Ms. Richard made a motion to accept Annual Report as amended and was seconded by Mr. Staffon. The motion passed unanimously.

2. FY17 Budget

Mr. Roth said there are still funds in Dues and Professional Gatherings. There is a CTPC conference in March if anyone was interested.

Mr. Hayward suggested hosting seminars here.

Mr. Roth said he will look at the CTPC course and if there is one, Mr. Roth will contact them, including noticing surrounding towns.

Ms. Cripps made a motion to submit the budget as proposed and was seconded by Mr. Farrell, Jr. The motion passed unanimously.

3. Review Roger's School Proposal from Michael Tavares

Ms. Richard said a letter of intent was submitted without much detail, so not too much to comment.

Mr. Roth asked about the concept of what he is proposing, is this a concept that the Board thinks might be a reasonable re-use of the site? It could be re-zoned to Apartment/Multifamily (RC) and they would have to come in for Special Permit.

Mr. Farrell, Jr. was supportive of the uses proposed.

Mr. Fleurent, Jr. was also supportive of the concept of residential use.

Mr. Roth said it is almost 81,000 sq. ft. with the former Union Street road area and RC per the code requires a minimum of 100,000. However, it is his interpretation that the 100,000 would be applicable only if subdividing a RC parcel. The Town could rezone land to RC that is less than the minimum lot size.

Mr. Hayward said he is talking condominiums, not apartments. It would be private ownership.

Mr. Roth said he didn't see a need to open the road which would require additional setbacks and easements.

Mr. Roth indicated he could do a letter with recommendations if they want to move forward.

Mr. Staffon asked how the Board felt in general re: Union Street and Mr. Roth said Union Street has been discontinued by the Town.

Ms. Cripps feels the School should be torn down.

Mr. Lucas would like to make clear to the Selectmen that they are just reviewing it. He is not opposed to seeing a proposal.

Discussion ensued.

Mr. Fleurent, Jr. said he believes there is no clear definition and there are further questions.

Mr. Roth gave an example of a general letter he could send noting there are many variables and more details would need to be provided.

Discussion ensued.

Mr. Fleurent, Jr. made a motion that the Selectmen entertain the RFP and was seconded by Ms. Richard. The motion passed 6-1.

Mr. Hayward made a motion to adjourn and was seconded by Mr. Staffon. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Tracy White
Recording Secretary