

**Fairhaven Planning Board  
January 10, 2017**

Mr. Hayward opened the meeting at 6:30 p.m. and noted they are being recorded on the Government Access Channel.

Present: Chairman, Wayne Hayward, Vice Chair-Gary Staffon, Clerk-Peter Nopper, Rene Fleurent, Jeffrey Lucas, Cathy Melanson, Ann Richard. John Farrell, Jr. – Arrived at 6:50pm

Absent: None

William Roth, Planning Director, was also in attendance.

**Acceptance of Minutes:**

September 13, 2016

Ann Richard made motion to accept the minutes and was seconded by Cathy Melanson. The motion passed 6-1, with Jeffrey Lucas abstaining.

December 6, 2016

Ann Richard made motion to accept the minutes and was seconded by Jeffrey Lucas. The motion passed 6-1, with Cathy Melanson abstaining.

December 13, 2016

Cathy Melanson made motion to accept the minutes and was seconded by Jeffrey Lucas. The motion passed 6-1, with Ann Richard abstaining.

**Bills:**

1. Legal AD #1-12/22/16 - **SouthCoast Media Group-Advocate**-Cellco/d/b/a Verizon Wireless-\$292.10

Jeffrey Lucas made a motion to approve the \$292.10 for the SouthCoast Media Group-Advocate bill and was seconded by Gary Staffon. The motion passed unanimously.

2. Mileage SRPEDD Meetings - **Rene Fleurent** - \$69.12

Jeffrey Lucas made a motion to approve the \$69.12 for Rene Fleurent for mileage and was seconded by Gary Staffon. The motion passed unanimously.

**B. Current Planning:**

Receipt of Plans:

1. Text Amendment – **Denise DeCosta** – 1 Welcome Street (PH-02/21/17)

Wayne Hayward made a motion to set the Public Hearing for February 21, 2017, and was seconded by Gary Staffon. The motion passed unanimously.

2. Rezone –**Daniel & Pamela Corcoran**-Beech Street between Alpine & Newbury Ave. (PH-02/21/17)

Wayne Hayward made a motion to set the Public Hearing for February 21, 2017, and was seconded by Gary Staffon. The motion passed unanimously.

Approval of Plans:

1. Definitive Subdivision - Cameron's Landing–**VCORP, LLC #2**–Charity Stevens Lane–Map 40, Lot 14

Gary Staffon made a motion to sign the mylar and was seconded by Ann Richard. The motion passed with Jeffrey Lucas Abstaining.

Revised plans: None.

### **C. PUBLIC HEARING:**

#### Cellco Partnership d/b/a Verizon Wireless – Special Permits – Nine Applications

Wayne Hayward opened up the Public Hearing and had Mr. Roth read the legal advertisement. He explained that there were nine Special Permits that were basically the same in scope but were in different locations and pole heights varied. Mr. Hayward said that no one had to disclose they have Verizon Wireless stock or phone service. He did want to know if any of the Board Members were abutters, and if they would be abstaining from a vote. Board Member, Cathy Melanson said she was an abutter for 142 Huttleston, and she would be abstaining from that vote. He wanted the Board to review the overall application in general terms and then they would discuss each Special Permit.

Attorney Daniel Klasnik began with giving the background on the project. He said this was a new approach to meet demand on wireless services in the area. He said with everyone owning a phone, tablet, accessing data, there was significant demand on the network. Attorney Klasnik explained the poles were close in proximity to handle the signal from each signal (CAN). He explained that they have received a letter of authorization from Eversource and that they also will have to comply with FCC regulations as well as MassDOT because some of the poles are within the state highway of Route 6. They will be also filing for an access permit from the Department of Transportation.

Mr. Hayward referenced the numbers of the poles, if in the future would they be requesting the fill in numbers to different poles along Route 6.

Attorney Klasnik said there may be additional locations in the future.

Mr. Farrell, Jr. asked if currently as a Verizon Wireless customer do they lose coverage on Route 6.

Attorney Klasnik said, "Yes or it is limited." He said there is a greater demand for both voice and data in those areas.

Ann Richard wondered if another cell carrier would hear of this and come in to take every other pole for service.

There was some discussion on who is responsible if the pole got damaged by a consumer in a car accident or other.

The Board then discussed the poles and their location separately as follows.

#### 1. Special Permit-Verizon Wireless-V#SC01 – 142 Huttleston Avenue-Map 26, Lot 88

This was described as the pole out front of Benny's. The proposal is to replace a 29' with a 39' above ground and an antenna with an approximate height of 43.3'. This is in a business zone.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed 7-1 with Cathy Melanson abstaining because she is an abutter within 300-feet.

#### 2. Special Permit-Verizon Wireless-V#SC03 – 188 Huttleston Avenue-Map 26, Lot 013B

This is the pole located near 7-11 store, at the intersection of Alden Road. There would be no pole replacement.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

3. Special Permit- Verizon Wireless-V#SC04 – 87 Huttleston Avenue-Map 25, Lot 82

This pole is located in front of Honey Dew Donuts and will be replaced. The antenna will be maintained with no extender.

Wayne Hayward asked the Attorney to bring it back to consider moving the pole off the curb, and behind the sidewalk.

Attorney Klasnik stated it may have to be in the layout of the MA State Highway, but he would look into it.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

4. Special Permit- Verizon Wireless-V#SC06 – 7 Huttleston Avenue-Map 12, Lot 180

Mr. Roth stated this pole was going to be 49' tall. He said the proposal is to replace the existing 24' pole with a 39' pole then adding a 4' extender, which is doubling the size and. The total height would be 48.3'. He noted that this was right next to a residential house and across the street from the High School.

Gary Staffon asked if perhaps this was to pick up the signal from New Bedford or the demand from the High School? Attorney Klasnik said that he wasn't able to answer that question, but he would be sure the engineer came to the next meeting to answer these questions.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

5. Special Permit- Verizon Wireless-V#SC07 – Near 3 Fort Street-Map 1, Lot 14

Wayne Hayward referenced a couple of letters that were sent in both opposing this specific pole.

Mr. Roth pointed out that this pole was located right in front of the entrance to the hurricane dike, which is considered "Park" district, and according to their by-laws the pole is prohibited in the Park District. Again, Mr. Roth stated the new pole with equipment would be 48.3' in height, which is doubling the height of the existing 24' pole.

A resident who was present from 2 Fort Street said he opposed this pole, first for aesthetic reasons; and then he said that it seemed there were more demand for data that stemmed from the Pokémon craze this summer down at the fort.

Mr. Hayward said that this location had to be protected for a lot of other reasons. "Photography and film," he said.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously. John Farrell was not in the room and did not vote on this motion.

A brief 5 minute recess was taken.

6. Special Permit- Verizon Wireless-V#SC08 – 280 Huttleston Avenue-Map 31B, Lot 39-41

A letter was received in opposition from Joseph Borelli, who stated the pole may be on his property.

Attorney Klasnik did say he received a copy of the letter and they are confirming that the pole is actually with the MassDot highway layout. He said they will also confirm the location by a professional surveyor.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

7. Special Permit- Verizon Wireless-V#SC09 – 325 Huttleston Ave.-Map 31B, Lot 61-64, 67 & 72

This is a pole in front of Kenny's Farm Stand and would be at a 43.3' height.

Mr. Cunha of 8 Hamlet Street shared some concerns of height; as well as he didn't understand why they had to have so many poles. He also had concerns about radiation and frequency.

Mr. Hayward stated he was concerned of the layout of this pole. Mr. Hayward also stated that Federal Law prohibits the Board to discuss radiation. He explained the applicant has to get licensed from the FCC for these requests and they have their own regulations.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

8. Special Permit- Verizon Wireless-V#SC10 – 344 Huttleston Avenue-Map 30B, Lot 143

This is a pole that is close proximity of previous pole. It is a replacement pole with a 5' extender for a total height of 48.3'.

Wayne Hayward said that the Board would need a rationale of this pole from the applicant's engineer. The pole is located just west of New Boston Road on Blossom Hill.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

9. Special Permit- Verizon Wireless-V#SC11 – 402 Huttleston Avenue-Map 34A, Lot 176

Wayne Hayward explained there is cable and power for one home existing. This is a service pole. He stated this may be a noise issue, as they are 20' from the windows. The applicant has done a sound study and Mr. Roth will make sure that everyone receives a copy via email. It is a 29' pole currently and is proposed for a 43.3'.

Wayne Hayward made a motion to continue the Special Permit to February 21, 2017, at the Applicant's request and to waive the FCC 90-day "Shot Clock" and was seconded by Gary Staffon. The motion passed unanimously.

**D. LONG RANGE PLANNING:**

**1. Recreational Marijuana – Moratorium Discussion**

William Roth explained that since this item was placed this on the agenda the State Legislature has voted to extend the time frame for enacting the law until July 1, 2018. Therefore, there appears to not be a need for a moratorium for the 2017 Town Meeting.

Wayne Hayward made a motion to table the issue for now and was seconded by Ann Richard. The motion passed unanimously.

**E. Correspondence:** None

**F. Other Business:**

1. Oxford School 40B Application – Planning Board Comment – Discussion

A brief discussion about the Zoning Board of Appeals, who has already held one meeting with only 2 people in attendance from the public. Mr. Hayward asked Mr. Roth, to ask Ms. O'Brien to put the video up for access to watch it. He said at least if the Board could view it it might be able to give them additional information.

Mr. Hayward stated the next ZBA meeting regarding this is February 7, 2017. He said he would like to be able to send one comment letter from the Board; however, if Board members wanted to send individual responses they could, but please just send them to him as the Chairman.

2. FY 2018 Budget – Discussion

Mr. Hayward said they would be submitting a level-funded budget. Ann Richard asked if there was enough money in the salary column to cover the recording secretary's minutes if she covers any Master Plan meetings. Mr. Roth explained that she would only be covering minutes for Master Plan when they are within the Planning Board meetings. Mr. Roth felt there was enough money in salaries to cover expenses.

Ann Richard made a motion to approve the budget as presented and forward it to the Town Administrator and was seconded by John Farrell, Jr. The motion passed unanimously.

3. 2016 Annual Report - Discussion

The Board reviewed the Annual Report. Wayne Hayward mentioned that a Rezone and Repetitive Petition were not listed and he also asked the Board to review how the names are listed. Mr. Lucas indicated that his middle initial of "T" should be listed.

Ann Richard made a motion to approve the Annual Report as amended and was seconded by John Farrell, Jr. The motion passed unanimously.

The next meeting is scheduled for Tuesday, January 24, 2017, which will be a meeting with the Master Plan Consultant.

Cathy Melanson made a motion to adjourn and was seconded by Jeffrey Lucas. The motion passed unanimously at 9:21p.m.

Respectively submitted,

Patricia A Pacella  
Recording Secretary