

**Fairhaven Planning Board
March 28, 2017**

Present: Chairman-Wayne Hayward, Vice Chair-Gary Staffon, John Farrell, Jr., Rene Fleurent, Jeffrey Lucas, Clerk-Peter Nopper, Ann Richard.

Absent: Cathy Melanson

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes:

February 21, 2017 – Gary Staffon made a motion to accept the minutes with one minor spelling error and was seconded by Jeffrey Lucas. The motion passed unanimously.

Planning Board Bills:

1. Legal AD #2-12/29/16 – **Southcoast Media Group-Advocate** – Cellco d/b/a Verizon Wireless - \$292.10

Gary Staffon made a motion to pay Southcoast Media Group-Advocate for advertisements in the amount of \$292.10 and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. Office Supplies – **Staples** - \$531.13

William Roth stated it was primarily for ink cartridges. Gary Staffon made a motion to pay Staples for in the amount of \$531.13 and was seconded by Jeffrey Lucas. The motion passed unanimously.

3. Legal Ad– **Fairhaven Neighborhood News**- Enrico Picozza - \$100.00

Gary Staffon made a motion to pay the Fairhaven Neighborhood News bill for \$100.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.

B. Current Planning:

Receipt of Plans:

1. Definitive Subdivision – **Nelson & Iacoponi** – 240-242 Huttleston Avenue – Map 30A, Lot 329
William Roth explained it was the houses near Comcast and he recommended a hearing date of April 11, 2017.

Wayne Hayward made the motion to set the Public Hearing date of April 11, 2017, for the Nelson & Iacoponi subdivision and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. Preliminary Subdivision – **Ferreira** – Island View Road – Map 43, Lot 201

William Roth explained to the Board this was dividing one lot into two and he was recommending a Preliminary Subdivision hearing at the April 11, 2017, meeting.

Jeffrey Lucas made a motion to set the Public Hearing date of April 11, 2017, for the Ferreira Preliminary Subdivision and was seconded by Gary Staffon. The motion passed unanimously.

Approval of Plans: None.

Revised plans: None.

William Roth stated that this afternoon a Special Permit application had come in for Bridge Street and Route 240 for a gas station/convenience store. Mr. Roth also stated a subdivision, of the old Vander Pol property had also come in and both would probably be heard in May.

William Roth informed the Board that the Town Administrator and the Board of Selectman had added an article on the Town Warrant for the May Town Meeting, for a Moratorium for Recreational Marijuana. Mr. Roth stated that there would be a public hearing on April 25, 2017.

Town Administrator, Mark Rees was present and he stated that he knew the Planning Board had previously discussed a moratorium and had decided not to do that at that time. Mr. Rees said he had subsequently attended a seminar and representatives there were recommending that Towns adopt a moratorium until 2018 with the legislation made their final decisions.

Gary Staffon asked if a moratorium at Town Meeting would require a 2/3 vote. Mr. Rees said it would as it is a zoning change.

Ann Richard asked if the Board of Selectman would be present at the April 25, 2017, Public Hearing? Mr. Rees said he would speak to the Chairman.

At 6:40p.m., Rene Fleurent made a motion to recess for five minutes and was seconded by Gary Staffon. The motion passed unanimously.

The meeting was reconvened at 6:46p.m.

C. LONG RANGE PLANNING:

1. Master Plan Work Session with VHB

Master Plan Consultant, Jeff Morrison-Logan of VHB was present to give an update of where VHB was in the Master Plan process. He explained that they have collected their data on the Town of Fairhaven and were preparing for the first public meeting on Thursday, April 6, 2017. He reviewed with the Board the presentation that was going to take place at the public meeting and received input from the Board on their ideas.

Ann Richard asked about the vision boards that were done and that maybe they were a little "too wordy". She felt it might be more successful to have more bullet points, more condensed information.

Mr. Morrison-Logan stated the boards were supposed to be thought provoking, and were included on the Town website as well.

Jeffrey Lucas asked about possibly having a small handout to give out to residents next Thursday.

There was a brief discussion that the on-line survey was a little too difficult for some residents to understand and may be why they didn't take it.

Mr. Morrison-Logan stated the "I-Wish" boards were going to be set up at the high school this week. Ann Richard and Jeffrey Lucas encouraged also putting them up at the elementary and middle school.

Mr. Morrison-Logan asked Planning Board members to be at Town Hall for 5:00-5:30p.m. on April 6, 2017, so they could finalize how they wanted to be incorporated in the evening.

Wayne Hayward stated there would be a floating cameraman at the even to videotape some of the meeting. The Master Plan consultant team would be there to facilitate the event.

There was a brief discussion on adding more pictures of all aspects of Town in the actual power point presentation: East, North Fairhaven, a subdivision. William Roth would work with Mr. Morrison-Logan to get a few more pictures to him.

D. PUBLIC HEARING:

1. Special Permit – Verizon Wireless – V#SC08 – 280 Huttleston Avenue-Map 31B, Lot 39-41.
(Continuance request to April 11, 2017)

Ann Richard made a motion to continue the Special Permit VSC08 – 280 Huttleston Avenue, Map 31B, Lot 39-41 hearing to April 11, 2017, and was seconded by John Farrell. The motion passed unanimously.

2. Special Permit – For an Artist Studio – Enrico Picozza – 67 Main Street – Map 9, Lot 29

William Roth read the advertisement. Wayne Hayward introduced the Planning Board members.

Kathleen Buckley, Real Estate Broker for the Picozza's explained the project for 67 Main Street that used to be the building that housed "Top Music." She explained the Picozza's middle son was a very talented, gifted young man who did glass blowing and he was going to open an art studio to do glass blowing and possibly teach a class for 4-5 students.

William Roth reviewed his Staff Report. He said he had no issues or concerns with the layout; and the applicant met the criteria for a Special Permit approval with six Special Conditions.

Mrs. Picozza said there was going to be no structural changes to the building. "The only waste is broken glass," she stated.

The applicant stated they were excited to be starting this venture with their son in that building and it was a very old building and they appreciated being able to do business there.

Resident and abutter, Donald Leblanc of 64 Main Street stated he lives across the street and welcomed this new business to the neighborhood.

Ann Richard made a motion to approve the Special Permit with the six Special Conditions and it was seconded by John Farrell. The motion passed unanimously.

E. CORRESPONDENCE:

1. Karen Vilandry – Open Meeting Law complaint. Verizon Wireless Special Permits.

Wayne Hayward explained that Ms. Vilandry had filed a complaint against him, the Chairman of the Fairhaven Planning Board. Mr. Hayward stated he was bringing it to the Board's attention if they had any specific questions or wanted information on the complaint.

A resident sitting in the audience yelled out that she wanted to speak on behalf of the complaint. Mr. Hayward did not acknowledge her.

Rene Fleurent stated that he read the complaint and it didn't make sense. He stated in one sentence the complaint was stating that "no where on the agenda did it state what the special permit was for," but then in another statement of the complaint it read "Special Permit-Verizon Wireless". Mr. Fleurent stated he was unsure what the actual complaint was about.

Wayne Hayward stated that this was a Board matter and that the complaint stated that the February 21, 2017, agenda wasn't specific enough. He said that he would be responding to the State regarding the complaint, not to the public.

Again, the resident in the room yelled out that she wanted to be heard on the matter. Mr. Hayward did not acknowledge her outburst.

Mr. Hayward said that there were nine special permits in this process and he was confident in the process that the Planning Department took to make sure postings were listed and done correctly as well as mailing it to 277 abutters and placing the advertisements. Mr. Hayward thought the Department did a really good job.

Mr. Fleurent felt there was a disconnect in the actual complaint that was filed.

The resident in the room started to speak loudly in stating her opinion about her concerns for the neighbors health.

Wayne Hayward explained that this was not a Public Hearing and the Board is not talking about health effects. He stated that the last Special Permit had been continued to April 11, 2017, and the resident could come at that time to speak at that Public Hearing.

The resident continued.

Mr. Hayward stated again this meeting was not a Public Hearing and advised the woman she was out of order.

Mr. Hayward expressed to the Board that according to the Open Meeting Law they had three courses of action: a) the Chair would address complaint and respond, b) the Chair would address with Town Counsel and they would address the complaint, or that c) the Chair would discuss with Town Counsel and others (Planning Department Staff).

Mr. Hayward would recommend C.

Ann Richard made a motion that Town Counsel, the Planning Department Staff and Wayne Hayward discuss and file a response to the complaint, and was seconded by Gary Staffon. The motion passed unanimously.

F. OTHER BUSINESS:

1. Rene Fleurent – SRPEDD Report from 3/22/17 meeting.

Mr. Fleurent gave a brief overview of the last SRPEDD meeting. He said they discussed recreational marijuana and moratoriums. He also stated that the Annual SRPEDD dinner was going to be held May 24, 2017, in Lakeville.

In other business, Wayne Hayward read correspondence from Pattie Pacella – a thank you note to the Board as they sent her flowers in memory of her mom's passing.

Pattie Pacella also said aloud that she was grateful for the Board's thoughtfulness.

Wayne Hayward also stated that in the last week the Town has lost four very active Town residents to their unfortunate passing. He recognized them in memory: William Markey, Richard Brodeur, George Graves and Bob Cormier.

Lastly, Wayne Hayward informed the public that this was Vice Chairperson, Gary Staffon's last meeting after 16 years on the Planning Board. Mr. Hayward thanked Mr. Staffon for his service the last 16 years, and stated he was going to miss him on the Board.

Gary Staffon told a brief story about his dad's response 16 years ago to him that he wanted to be on the 'nosey board'. Mr. Staffon thanked those that supported him for that many years on the Board and acknowledged that he has learned a lot and was happy to be on the Board.

Ann Richard made a motion to adjourn and was seconded by Gary Staffon. The motion passed unanimously.

The meeting ended at 9:00p.m.

LISTING OF DOCUMENTS

1. Letter Dated March 10, 2017 from Duval & Klasnick referencing **Fairhaven SC08 – Utility Pole Adjacent to 280 Huttleston Avenue Continuance.**
2. Memorandum dated March 23, 2017 – William D. Roth, Town Planner **re: Picozza – 67 Main Street.**
3. Open Meeting Law Complaint Form and Agenda from Planning Board dated February 21, 2017.

Respectively submitted,

Patricia A. Pacella
Recording Secretary