

**Fairhaven Planning Board
April 11, 2017**

Present: Wayne Hayward, Nicholas Carrigg, John Farrell, Jr., Rene Fleurent Jr., Jeffrey Lucas, Peter Nopper, Ann Richard.

Absent: Cathy Melanson

William Roth, Planning Director, was also in attendance.

Board Elections:

Wayne Hayward explained as is custom the Board would hold elections of Board officers after a Town Election. Mr. Hayward also welcomed newcomer, Nicholas Carrigg.

William Roth opened up the Board Elections.

Rene Fleurent Jr. made a motion to nominate Wayne Hayward as Chairman and was seconded by Jeffrey Lucas. The motion passed unanimously.

Peter Nopper made a motion to nominate Rene Fleurent Jr. as Vice Chairman and was seconded by Jeffrey Lucas. The motion passed unanimously.

Rene Fleurent Jr. made a motion to nominate Peter Nopper as Clerk and was seconded by Jeffrey Lucas.

John Farrell Jr. made a motion to nominate Ann Richard as Clerk. Ann Richard did not accept the nomination.

On the motion for Peter Nopper as Clerk, he was unanimously voted in.

For SRPEDD Commissioner, Wayne Hayward nominated Rene Fleurent as Commissioner and was seconded by Jeffrey Lucas. The motion passed unanimously.

Acceptance of Minutes:

March 28, 2017 – Ann Richard made a motion to accept the minutes as written and was seconded by Jeffrey Lucas. The motion passed unanimously.

Planning Board Bills:

1. Name Plate – **Chadwick's Awards Unlimited** – Nicholas Carrigg - \$8.50

Jeffrey Lucas made a motion to pay the bill to Chadwick's Awards Unlimited for the name plate for Mr. Carrigg and was seconded by Ann Richard. The motion passed unanimously.

B. Current Planning:

Receipt of Plans: None

Approval of Plans: None

Revised Plans: None

C. PUBLIC HEARING:

1. Special Permit – Verizon Wireless –V#SC08 – 280 Huttleston Avenue-Map 31B, Lot 39-41 (con't 3/28/17)

Wayne Hayward opened the Public Hearing stating that the last meeting there was an issue with an unstamped plan and that's why it was continued until today. He stated the Board received the stamped plan in their package.

Mr. Roth stated there was a procedural issue tonight as Mr. Farrell Jr. had missed one of the hearings, he wouldn't be allowed to vote tonight and there was one member absent. He advised Attorney Klasnick that for the Special Permit it requires a vote of 6 members, and that wasn't going to happen tonight as there would only be 5 members who could vote.

Wayne Hayward stated that it was up to Attorney Klasnick if he wanted to hear the testimony of a Public Hearing tonight or continue the hearing. Mr. Hayward did state there were a few community concerns and there were people who may be in the audience who wanted to speak.

For the record, Mr. Hayward explained the Mullin Rule. He stated that the person(s) who were absent during a meeting that had this hearing would need to read through the minutes, documents and watch the Planning Board videos and then file a certification with the Town Clerk and himself as Chairman that they have completed that course of action in order to be able to vote.

The Board reviewed the upcoming meeting dates. John Farrell Jr. stated that he would have a conflict on the April 25, 2017, meeting.

William Roth stated he would not be at that meeting as well, but the Board was capable of holding the Public Hearing without him.

Attorney Klasnick requested a continuance until April 25, 2017, and stated if he couldn't make the meeting for one reason or another he would do so in writing a few days before. Attorney Klasnick also stated he would put this request in writing and forward it to Mr. Roth.

Rene Fleurent Jr. made a motion to continue the Special Permit, Verizon Wireless V#SC08 Public Hearing to April 25, 2017, at the applicant's request and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. Preliminary Subdivision – **Thomas Ferreira** – Island View Road – Off Sconticut Neck

John Ferreira, the applicant's son stated that the property is owned by his family and they want to build two houses on Island View Road.

William Roth referred to his Memorandum dated April 5, 2017. Mr. Roth stated they received a preliminary subdivision application that was submitted for Map 43, Lot 201. He read from his memorandum that the applicant was seeking advice on a roadway standard for Island View Road off Sconticut Neck Road, which is an existing gravel road. He stated that this would provide adequate frontage to divide the lot into two lots. Mr. Roth called it a "driveway across Lot 201" that provides historic access to four to five homes along the water. Mr. Roth stated the proposal would establish an actual right-of-way where Island View Road currently exist and provide an easement over the second driveway.

Mr. Roth stated that the Board of Health has significant concerns with the septic system and that Conservation Commission has some significant concerns as well.

Wayne Hayward asked about providing a 30-foot easement going toward the North instead of the proposed 10-foot.

There was discussion about the proposed access easement that is 10' wide on Island View Road; and made clear that this "road" has never been delineated as a road.

The Board discussed the Board of Health concerns about the septic systems and Mr. Roth read from Board of Health agent, Pat Fowle's letter dated March 22, 2017, that states one lot would meet Title 5 standards, and the second would not.

Wayne Hayward brought to the attention of the applicant that the street layout may be of concern to the neighbors at the end that are not family.

John Romanelli, of Romanelli Associates stated that the 10' easement could easily become a right-of-way as well and be increased to 30-feet.

Mr. Hayward stated the applicant needs to get with the Board of Health and discuss their concerns.

Alan Ewing stated that he has gotten the approval from Conservation Commission on the preliminary plan approximately a year ago.

Rene Fleurent Jr. made a motion to accept the preliminary subdivision of Island View Road and was seconded by Jeffrey Lucas.

On the question, Jeffrey Lucas asked if that included a wider access than 10' shown. Mr. Romanelli stated that he was going to put a right away instead of an easement.

Wayne Hayward clarified the vote as a 'yes' vote would agree to the preliminary plan as presented with the 10' easement.

On the motion, the motion passed 6-1 in favor, with Wayne Hayward in opposition.

3. *Definitive Subdivision* – **Charlene Nelson & Dean Icoconi** – 240-242 Huttleston Avenue

William Roth read the Definitive Subdivision advertised.

Attorney Joe Michaud was present on behalf of Ms. Nelson and Mr. Icoconi. Attorney Michaud stated there was not a lot of new information from last year. He stated the applicant just wants to recognize it as it is, a transitional parcel to use as a residential plan.

Wayne Hayward stated it was zoned as Business but used as legal non-conforming residential.

Attorney Michaud stated that there were no future subdivisions to take place per Mr. Icoconi.

William Roth reviewed his memorandum dated April 5, 2017, as the applicants are requesting a Definitive Subdivision approval to divide their lot into two lots. He stated the Board last approved a Preliminary Subdivision plan on May 24, 2016. Mr. Roth recommended approval with the seven special conditions as listed in his memo. He did state that the BPW requested a utility easement be shown on the plan, which Mr. Roth stated his condition number 6 acknowledged the BPW's utility concern.

Attorney Michaud stated that he would have the utility easement on the Mylar plan as well as it would be written on the deed.

Wayne Hayward stated to the Board if they approve the plans tonight, these are the plans they are approving.

Attorney Michaud stated they would have no objection to the seven conditions, which included the easement for utilities. He stated it wasn't for new utilities, but for utilities that already existed.

Jeffrey Lucas made a motion to approve the subdivision subject to the seven Special Conditions and was seconded by Ann Richard.

Again, Attorney Michaud stated that on the final Mylar they will meet all seven Special Conditions including showing the easement for the utilities.

The Board voted in favor, unanimously.

D. Long Range Planning

1. Master Plan Status Update

A brief discussion on the first Master Plan Public Hearing took place. The Board approximated twenty residents were in attendance and Wayne Hayward stated that much of the data that was shared at the first meeting is being used to formulate the plan. He encouraged all residents to attend the next public hearing sometime in June and also the final meeting in the fall.

Ann Richard stated that she was concerned that some of the information/suggestions that the Board gave VHB Consultant that addressed the slides in the presentation were not used or updated. She stated that a few people had commented that the slides were hard to read from a distance and that most of the pictures were of the Center, and Route 6 and she would like to make sure ALL of Fairhaven is shown in future Public Hearings.

Mr. Roth stated that he and Mr. Hayward had a conference call scheduled with VHB on Friday and they would bring up the concerns.

Ms. Richard also suggested having the next Public Hearing perhaps at the Recreation Center, somewhere neutral, not just at the Town Hall.

F. OTHER BUSINESS:

Rene Fleurent Jr. reported that the May 24, 2017, Annual Meeting for SRPEDD would be held at LeBaron Country Club in Lakeville at 6:00p.m. Mr. Roth would email out invites and people can advise him if they want to attend.

Ann Richard asked who representing the Selectmen would be attending the April 25, 2017, meeting on the Recreational Marijuana Moratorium.

William Roth stated that Mark Rees would be present as the Town Administrator, and he was going to ask the Selectman who wanted to attend with him.

Wayne Hayward asked Mr. Roth to remind Mr. Rees that a Zoning Bylaw change requires a certain quorum attendance at Town Meeting as well as 2/3 vote.

Ann Richard made a motion to adjourn and was seconded by Rene Fleurent Jr.. The motion passed unanimously.

The meeting ended at 8:03p.m.

Listing of Documents:

1. William Roth's Memorandum #3 – Special Permit-V#SC08-280 Huttleston Avenue-Map 31B, Lot 39-41
2. Letter from Duval & Klasnick LLC, dated April 7, 2017 re: Special Permit V#SC08-Verizon Wireless
3. William Roth's Memorandum – re: Preliminary Subdivision-Island View Road
4. William Roth's Memorandum – re: Definitive Subdivision – Icoponi & Nelson

Respectively submitted,

Patricia A. Pacella
Recording Secretary