

**Fairhaven Planning Board
May 9, 2017**

Present: Wayne Hayward, Rene Fleurent, Nicholas Carrigg, John Farrell, Jr. Jeffrey Lucas, Cathy Melanson (arrived at 6:40pm), Peter Nopper, Ann Richard.

William Roth, Planning Director, was absent.

Acceptance of Minutes: April 25, 2017 – Ann Richard made a motion to accept the April 25, 2017, minutes as presented and was seconded by Jeffrey Lucas. The motion passed unanimously.

Planning Board Bills:

None.

B. Current Planning:

Receipt of Plans: None

Approval of Plans: None

Revised Plans: None

While waiting for the last Board member to arrive, Wayne Hayward took the agenda out of order, asking Rene Fleurent, Jr., to give an update on SRPEDD. Mr. Fleurent said there was a brief discussion at the last meeting again about the Middleboro Commuter Rail to New Bedford/Fall River. He said the data is still being analyzed. He said there is also strong support to connect South Station to North Station as well. He also reminded members of the Annual Dinner Meeting on May 24, 2017; all members are invited to attend.

Wayne Hayward then spoke briefly about the Master Plan. He said that they are in the initial stages of data documentation. Mr. Hayward said they were in five months and had a Steering Committee meeting coming up on June 6, 2017, as well as the next Public Meeting on June 13, 2017.

Ann Richard asked if VHB has given any consensus on how they are feeling the whole Town commitment is for the Master Plan. Mr. Hayward said they hadn't really discussed that, however he did say that some department heads hadn't returned the surveys and they should.

Ann Richard asked the Board and public to try and attend the next meeting and inviting five or more friends to attend. Ms. Richard said that she tells friends and neighbors that this is a unique time to be involved.

C. PUBLIC HEARING:

1. Special Permit – Verizon Wireless –V#SC08 – 280 Huttleston Avenue-Map 31B, Lot 39-41 (con't 4/25/17). To locate Small Cell Equipment on a utility pole, which consists of a cylindrical antenna at the top of the utility pole, two (2) Remote Radio Heads, meter, junction boxes and associated wires and cables.

Wayne Hayward advised that Verizon Wireless' Attorney was present. Mr. Hayward stated this was a meeting continued from April 25, 2017. Mr. Hayward stated that Attorney Klasnick needed six (6) positive votes for a Special Permit and all members, except Nicholas Carrigg, were present and able to vote. Mr. Hayward read into the record the Mullin Rule statement from John Farrell.

Wayne Hayward refreshed the public on the Special Permit before them. He stated seven of the nine were approved on February 21, 2017; one was withdrawn and that left the Board with this last one to be heard.

Attorney Klasnick spoke briefly about the updated stamped plans that were sent to Board members on March 8, 2017. He stated they have provided all safety reports as requested, and they are in compliance with the FCC standards. This site was to be using an existing pole with a 3' extension.

Jeffrey Lucas asked if in Attorney Klasnick's opinion if he has seen continued growth of different wireless companies adding to poles when one company starts the cycle.

Attorney Klasnick said he has seen that in his experience. He said that Verizon would deploy as necessary as the network is needed.

Resident, Joe Guard of 415 Huttleston Avenue wanted to give the Board some information that in Florida he has seen the exact situation occur and that other cell companies have lost their coverage when this happens.

Jean Waters of 46 Huttleston Avenue had a few questions in regards to who Verizon was leasing the poles through and if they had to pay the Town for any portion of the pole.

Attorney Klasnick advised that the poles and the agreement were with Eversource. He also stated that the fee for Eversource was set by the state.

Resident, Tobie Simmons encouraged the Board to read more information on-line in regards to pop up future towers by other cell carriers.

Karen Vilandry, of 34 Huttleston Avenue voiced some concerns as well. "It's okay to say no," she said. Ms. Vilandry also raised concerns that perhaps 9-1-1 calls would be prevented from going through because of these towers.

Ms. Waters stated she felt there was no justification for approving these towers in residential areas.

Wayne Hayward stated that he hopes no one in the audience felt that the Board was being bullied into a decision, or they were just being naïve. Mr. Hayward said that he has read everything that Ms. Simmons and other residents have forwarded to him as other members of the Board has well. Mr. Hayward stated that this decision plays a big part with the FCC regulations that require the Board to approve.

"That's a hostile takeover," Ms. Simmons blurted out.

There were a few other residents who raised their concerns. There was a brief discussion on zoning by-laws as well.

Board Member, Ann Richard advised the public that she takes every case in front of her seriously and does her research. She said these Special Permits started back in February, when the Board had their own questions and sent the Attorney back to his client with those questions. "No one bullied me," she said.

Jeffrey Lucas applauded the audience for their information and pointed out they did have some valid points.

Ms. Vilandry asked the Board to consider a one year moratorium on the subject to allow for additional research.

Mr. Hayward advised that the Board was in the middle of a Special Permit decision this evening and they would be taking a vote on that issue and that issue alone. He again explained that the Board did not have a lot of jurisdiction on this matter.

Rene Fleurent, Jr. made a motion to approve Special Permit VSC08-ajacent to 280 Huttleston Avenue-Map 31B, Lot 39-41 with the seven Special Conditions as located in Staff Report Memorandum #4, dated

April 19, 2017, and was seconded by Wayne Hayward. The motion passed unanimously. Seven out of Seven positive votes, with Nicholas Carrigg abstaining (as he was not a member of the Planning Board at the start of this Special Permit process.)

2. Def Subdivision – VCORP, LLC-3B – Earle Street. Requesting approval for a road standard for Earle Street, a paper street, to provide access to two existing lots found on assessors Map 31A, Lots 434 and 453. The following waivers have been requested: General Provisions-322-16.A (&,8,10 & 13); Street Design-322-16.B; Street Cross Sections – C9, C10,C14, C16, & C21; Street Trees-322-25; Utilities-322-27.A; Curbing-322-32; Driveway Apron-322-33, Fire System-322-37 and Acceptance Plan-322-49.

Steve Giosa was present representing Sitec and briefly explained the project. He said the project is intended to improve Earle Street to the Boards' standards. He stated they had gone before Conservation Commission and has since been approved by them. He said there are currently two lots, however one doesn't seem a grandfathered lot to be buildable, but there is still some question with that lot. The intention with the second lot is to build a 4-bedroom home. Mr. Giosa stated that he read the comments from Mr. Roth's memo and would be open to a continuance to be able to review and answer the comments.

Wayne Hayward stated that he was looking at the project as a full build out for two lots.

Mark Raimondo, of 421 Huttleston Avenue stated he still had some concerns about the house as well as the concern of emergency vehicles getting down that driveway.

Mr. Giosa said that they were going to do a 16' driveway access point and currently it is 8-10'. He also stated that the Fire Chief has reviewed the plans.

Mr. Raimondo stated he currently maintains that area and has since he has owned his house.

Mr. Giosa said that it was currently a private way and would remain as such.

Mr. Raimondo - said he was concerned about flooding in that area and was still not comfortable with the project.

Mr. Hayward said that currently everyone had rights to Earle Street and that there cannot be more than two lots as stated on the plans.

Joe Guard of 415 Huttleston Avenue asked the size of the water line from Shaw Street.

Mr. Giosa stated it was going to be an 8" PVC pipe.

Mr. Guard went on to say that he was concerned about being flooded out, and he knew what was trying to happen that they wanted to get that pipe out there so they could add more houses to the development in the future.

Mr. Giosa stated there was no proposal to raise the grade, and there were standards that they had to meet.

Ann Richard made a motion to continue the hearing to June 27, 2017, and was seconded by Cathy Melanson. The motion passed unanimously.

Ann Richard made a motion to adjourn and was seconded by John Farrell. The motion passed unanimously. Meeting was adjourned at 9:00p.m.

List of Documents:

1. Memorandum #4-William Roth-April 19, 2017 – Regarding: Special Permit V#SC08- Adjacent to 280 Huttleston Avenue-Map 31B, Lot 39-41.
2. Memorandum – William Roth-May 3,2017 – Regarding: Earle Street-VCORP, LLC – Definitive Subdivision Between 419 & 421 Huttleston Avenue, Map 31A, Lots 434 & 453

Respectively submitted,

Patricia A. Pacella
Recording Secretary