

**Fairhaven Planning Board
June 27, 2017**

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

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes: June 6, 2017 – Ann Richard made a motion to accept the June 6, 2017, minutes as presented and was seconded by Jeff Lucas. The motion passed unanimously.

Planning Board Bills:

1. Mileage – Rene Fleurent Jr. - \$171.20 – Jeffrey Lucas made a motion to pay Rene Fleurent Jr. for mileage of \$171.20 and was seconded by Ann Richard. The motion passed unanimously.
2. Mileage – Ann Richard - \$75.97 – Jeffrey Lucas made a motion to pay Ann Richard \$75.97 for mileage and was seconded by Cathy Melanson. The motion passed unanimously.
3. Mileage – Wayne Hayward - \$75.97 – Jeffrey Lucas made a motion to pay Wayne Hayward \$75.97 for mileage and was seconded by Cathy Melanson. The motion passed unanimously.
4. ADS – Fairhaven Neighborhood News – Master Plan Ads - \$400.00. Jeffrey Lucas made a motion to pay Fairhaven Neighborhood News in the amount of \$400.00 and was seconded by Cathy Melanson. The motion passed unanimously.
5. ADS – Fairhaven Neighborhood News – Gator Fairhaven Partners – Tractor Supply - \$130.00. John Farrell, Jr made a motion to pay Fairhaven Neighborhood News in the amount of \$130.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.
6. GIS Mapping Updates – CAI Technologies - \$160. Jeffrey Lucas made a motion to pay \$160 and was seconded by Ann Richard. The motion passed unanimously.

B. Current Planning:

Receipt of Plans: None

Approval of Plans:

1. Form A – Buzzards Bay Coalition – 148 Shaw Road, located North & South of Shaw Road

William Roth stated that Buzzards Bay Coalition was using the parcels to reserve out for recreation only, not for a family dwelling.

Wayne Hayward stated that even though the Buzzards Bay Coalition had old plans that stated it was a Public Road, Planning Board is no determining this part of Shaw Road is a private or a public road. Mr. Hayward believes that portion of the road never went to Town Meeting for official approval.

Ann Richard made a motion to accept a Form A for 148 Shaw Road by the Buzzards Bay Coalition and was seconded by Rene Fleurent. The motion passed unanimously.

Revised Plans: None

C. LONG RANGE PLANNING:

1. Master Plan Update

Wayne Hayward stated he sent a June 20, 2017, email out and hopes everyone had a chance to read it.

William Roth stated he has had no response from the Board as of yet on revisions, or comments on the Draft they discussed at their last meeting. He stated that he has a conference call on Friday with VHB and he was going to have a discussion with him regarding the last Public Hearing. Mr. Roth felt the last public hearing was very dry and people were turned off, walking out after the forty-five minute

presentation, which he felt didn't have to be done in that fashion. Mr. Roth will be discussing that with VHB.

Ann Richard stated, again, that they spent all this time reviewing the public hearing at the meeting before and Mr. Morrison-Logan took down notes, for nothing to be changed for the Public Hearing.

Mr. Roth didn't think the changes were going to happen for that Public Hearing, but that was just his interpretation.

Wayne Hayward said from his seat he did feel the forty-five minute presentation was a bit long and dry, but it is Planning stuff.

Ms. Richard stated that he was reading to the audience of the information that the audience had in front of them.

Mr. Roth asked everyone to please compile their comments, revisions, etc to the "Draft" and submit them to him as soon as they can.

D. PUBLIC HEARING:

1. *Def Subdivision – VCORP, LLC* -3B-Earle Street. (con't from 5/9/17)

Wayne Hayward opened the Public Hearing advising this was a continuation from May 9, 2017.

Engineer, Steve Giosa, from SITEC was present to speak on behalf of the project. Mr. Giosa stated they had an initial preliminary hearing, and one hearing as of date. He said they met with Mr. Roth last week and based on that conversation feel that should at this time ask for a continuance. They have not heard back or had any comments from the consultant engineer as of date.

John Farrell, Jr. asked what was the typical turnaround time for the consultants to respond to a project?

Mr. Roth stated they only have had the paperwork for a week and a half, which is not sufficient time to get a review back to the Board.

Mr. Roth is recommending the Board's July 25, 2017, meeting.

Ann Richard made a motion to continue VCORP, LLC – 3B – Earle Street to July 25, 2017, at the applicant's request and was seconded by Wayne Hayward. The motion passed unanimously.

2. *Special Permit – CarriCorp Industries, LTD* (con't from 5/23/17)

Planning Board member, Nicholas Carrigg recused himself.

Engineer, Steve Giosa, SITEC, was present to speak on behalf of the project. He stated they have met with Mr. Roth last week and the consensus was not to file the revised plans until after tonight's hearing, in case there were more changes to the plans. Mr. Giosa said they have communicated with the Board's draining consultant as well as a Conservation Commission's draining consultant. He said that the location is the SE corner of Route 240 and Bridge Street. There is a drive-thru plan and a full bypass lane proposed. A proposed dumpster pad with screened enclosure and additional buffering with trees for the residents behind the property.

John Farrell, Jr. asked what the hours of operation on the drive-thru and convenience store would be.

One of the owners, Alexander Carrigg stated that it would be approximately 17-19 hours. He didn't specifically have the times but would get a definitive time of operations.

Jeffrey Lucas asked if there would be a canopy at the drive-thru window, to which the applicant said there would not be.

There was discussion of the rip rap swale towards the rear of the property that was presented on the set of plans Mr. Giosa presented. Wayne Hayward asked why the rip rap had suddenly stopped on the plans. Mr. Giosa stated the project didn't go beyond a certain point. Mr. Hayward had concern that the rip rap stopped because on the plans itself there was no mention of the Nasketucket River.

Mr. Giosa said they were not in the Nasketucket River Basin.

Mr. Hayward replied that was correct, but the Nasketucket River was adjacent to the site.

Mr. Farrell, Jr. asked about the pylon sign and those specifications.

Mr. Giosa briefly explained the storm water plan. He stated there were two retention ponds on plans previously but they had since modified the drainage plan and there would be direct runoff to a single retention pond. He said there is a more conventional screening system.

Mr. Hayward says he was thinking of future use, as there is a whole lot that isn't being used for this project and was the pond sized for the future use.

Mr. Giosa indicated it was not.

John Farrell, Jr. stated that he had read in the packet that GCG had a lot of storm water issues and asked if they had been addressed.

Mr. Giosa said they had been addressed and they were just waiting to hear back from them on the revisions.

Bob Carrigg explained a little bit about the Underground Tank Storage (UTS). He said it was 13' depth and sits on water table, with sensors in the inner wall if there's a leak that shuts it down.

There was also a traffic expert present who did a traffic survey of the project. Maureen Chlebek of McMahon Transportation Engineers & Planners was on hand to share her findings. She gave a synopsis first stating there were 3 major components that they look at: First, assess current traffic-roadway inventory, traffic counts from peak hours 7-9 a.m. and 4-6p.m. and they seasonally adjust. She said they reviewed the past three years of accident data and found there were thirty-three crashes on Rt. 240/Bridge Street. Second, they project traffic; they project it out seven years, and found that the growth would be one percent per year. And lastly, look at the site itself and figured that most of the traffic to the site would be pass-by traffic and new trips.

Ms. Chlebek explained that there is a rating system A-F and currently it exists at a D in the afternoon peak hours, and an "F" in the morning peak hours; adding that the proposal would not increase or decrease the rating.

John Farrell, Jr. asked if Ms. Chlebek has done a traffic study in Fairhaven in previous years. To which she answered she did not think so, but they were familiar with the Route 240 and Bridge Street area.

Ann Richard asked what the percentage of pass by traffic was.

Ms. Chlebek said that national data was used to compile the information and that pass by traffic was 63% in the morning; 67% in the afternoon.

Ms. Richard shared her concern that 63% of those vehicles would not be coming into Fairhaven and that on an Economic Development standpoint the cars would be going to work, a convenient store gas station

for their morning coffee and gas and not coming into Fairhaven. She said she was thinking of the Master Plan perspective and didn't think the project was a good fit for Fairhaven.

Alexander Carrigg stated that they are a Family owned business and they did have discussions with Town business who expressed that the location may alleviate stress with traffic around the 7-11, nearest gas station/convenience store.

Discussion ensued.

Resident, Dennis Sirois 267 Mill Road stated it's a quality of life. He said from his home to Cumberland Farms in the morning it takes him fifteen minutes at 6:30a.m. and approximately forty minutes on the way home due to all the morning traffic. He said that 'traffic is horrendous' there already and this is just going to add to it. "It's a quality of life for me," he said. "And I'm not in favor of the project."

Steve Giosa said they have committed to dedicating the land necessary for a future widening of Bridge Street to help facilitate better traffic control along that corridor.

More discussion ensued.

Mr. Giosa said based on the feedback from the Board and the audience members he would like to ask for a continuance.

Mr. Hayward said he didn't see the connection to Fairhaven and sees the project on its own isolated island.

Alexander Carrigg said that they work closely with a licensed site professional and they can bring him with them at the next meeting.

Mr. Roth explained the two Special Permit triggers; one being it's a new site that requires five parking spaces. He said that he cautioned the Board that they could not deny on use of a gas station/ store because that is a use permitted as of right and if the various site requirements could be met. However, the use of the drive-thru is not permitted as of right.

Mr. Alexander Carrigg said he would do what it takes to get the project done to the Board's satisfaction.

Ms. Richard explained she didn't feel the project was contiguous to what Fairhaven was all about. She said she didn't believe that it would benefit Fairhaven.

Wayne Hayward said that the daytime population increased by a thousand or so and that's who they would attract. "A good fit, yes" he said. "But not for the other 15,700 people in Town."

John Farrell, Jr. made a motion to continue the hearing at the applicant's request to August 8, 2017, and was seconded by Jeffrey Lucas.

On the question, there was a little discussion on the purpose of returning.

Mr. Hayward asked what they are coming back for.

Mr. Fleurent said he had to feel comfortable about the traffic.

Mr. Roth advised the Board cannot deny on 'use' alone.

The motion was made and seconded. The Board voted 6-1-1 in favor, with Mr. Hayward in opposition and Mr. Nicholas Carrigg abstaining.

3. *Special Permit – Clean Energy – Solar* – 279 Mill Road (con't from 5/23/17)

Mr. Roth advised there were two Mullin Rule Request in place from Peter Nopper and Wayne Hayward; and they've been duly received by the Town Clerk. He also advised Rene Fleurent would not be allowed to vote.

Mr. Roth reviewed his memo dated June 20, 2017. He said that the applicant has addressed all of his comments and concerns, or could easily be addressed with an additional condition; but he is recommending approval with 23 conditions.

Greg Carey of Clean Energy Collective was present along with Peter DeTerra and his parents, Mr. and Mrs. Antone DeTerra. Richard Tabaczynski, the engineer was also present.

Mr. Carey told the Board that they were leasing 10.1 acres of land which is currently existing hay and cow pasture in Chapter 61A. He said that he spoke to the Town Administrator, Mark Rees who advised him that the Board of Selectmen did not exercise their right to first refusal on June 26, 2017. He said that they have a Notice of Intent with Conservation Commission and have met with them once and it has been continued until July 17, 2017.

Wayne Hayward asked about the five additional telephone poles they were adding and asked about a fire truck being able to go down that path.

Peter DeTerra said that he drives his ten wheeler through and it's the same size as a fire truck and it fits.

Mr. Hayward asked about their request for a sound waiver, however, nowhere on the site plan does it tell us the decimal of the sound. He said he was just curious that it was very unusual that the sound was not listed.

Mr. Carey stated they had asked for the sound waiver because they are 1500' away from Mill Road. He said the nearest neighbor in the rear is the Lopes family, and they are 2000' from the project and Mr. Lopes supports the project.

There was a brief discussion on the elevation of the pads.

Jeffrey Lucas asked what the purpose of Condition number 8 was. The condition read, "The Planning Board hereby approves a waiver to Section 198-29.6 G.6. H.3, to not provide a decommissioning surety."

Mr. Roth advised that the Board had not requested it from the other two solar farms in Town.

Mr. Carey stated that they have an existing contractual to decommission within ninety days at shut down with the DeTerra lease.

There was much discussion on the decommissioning surety with Board some members agreeing that because it hadn't been done before they should let this one go, and work on something for future. Mr. Lucas and Mr. Farrell, Jr. were adamant that just because it wasn't done previous and this lessee was putting it in the contract, that the Board should review and have a surety with the Town as well.

"We're protecting the homeowner, as well as the Town," Mr. Lucas said. The decommissioning surety is part of our by-law and I think the Board should be asking for it.

Ms. Richard suggested adding a condition that reflects the Board acknowledges a decommissioning surety is on the lease with the DeTerra's.

More discussion on a \$75,000 surety bond added to condition #8, to which the applicant agreed to.

Ann Richard made a motion to approve a Special Permit Clean Energy-Solar for 279 Mill Road, Map 38,

Lots 5&6, Map 39, Lot 32 at 10.1 acres with 23 conditions with condition #8 amended to "Prior to the start of site construction the applicant shall submit a decommission surety in the amount of \$75,000 in compliance with Section 198-29.6.H.3."; and was seconded by Cathy Melanson. The motion passed 7-0-1 with Rene Fleurent abstaining.

E. CORRESPONDECE: None

F. OTHER BUSINESS: No SRPEDD report.

Ann Richard made a motion to adjourn and was seconded by Jeffrey Lucas. The motion passed unanimously. The meeting ended at 10:00p.m.

Documents reviewed:

1. William Roth's Memorandum – Dated June 20, 2017 – Carvalho Farm – Form A, 148 Shaw Road
2. William Roth's Memorandum – Dated June 22, 2017 – Earle Street-VCORP – Definitive Subdivision
3. William Roth's Memorandum – Dated May 18, 2017 – Carricorp Industries, LTD – Special Permit
4. William Roth's Memorandum – Dated June 22, 2017 – Clean Energy Collective, LLC – Solar Farm – Special Permit

Respectively submitted,

Patricia A. Pacella
Recording Secretary