

**Minutes
Fairhaven Planning Board
September 26, 2017**

Mr. Hayward opened the meeting at 6:30 p.m. and noted the meeting was going out Live.

Present: Chairman, Wayne Hayward, Vice Chair-Rene Fleurent (arrived at 6:35p.m.), John Farrell, Jr. Clerk-Peter Nopper, Jeffrey Lucas, Cathy Melanson, and Ann Richard.

Absent: Nicholas Carrigg

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes:

September 12, 2017

Ann Richard made motion to accept the minutes and was seconded by Cathy Melanson. The motion passed unanimously.

Bills:

None.

B. Current Planning:

Receipt of Plans:

None

Approval of Plans:

None

Revised Plans

None

C. LONG RANGE PLANNING:

1. Master Plan Update:

Wayne Hayward stated there was a conference call last Friday with VHB. The next Public Meeting and the last is a very important meeting to be held on October 4, 2017, at 6:30p.m. He said it was the implementation portion of how the Town would implement, or the strategy to implement the Master Plan. Mr. Hayward expressed that he would really like to see the Public really involved at this meeting.

Mr. Roth went over what the detail of the Meeting looked like and asked that the Planning Board members be present to assist in the evening and help staff the breakout tables.

Ann Richard complimented the video that Mr. Roth did with Bobby Brusco, the director of Cable Access. She thought it was very informative. She asked if the Department Heads met with Mr. Roth and there was communication about the Master Plan; Mr. Roth said Yes, and that Mark Rees is very supportive of the Master Plan.

In other business, Mr. Hayward shared with Board Members that a voluntarily Sexual Harassment Training was being held at the Town Hall, and if Board Members were interested they could take the training, via email.

D. PUBLIC HEARING

1. Special Permit – Carricorp Industries, LTD – S.E. Corner of Bridge Street and Route 240. (con't from 8/8/17)

Wayne Hayward opened the Public Hearing and introduced the Board. Mr. Hayward stated that Mr. Nopper had provided the Town Clerk and himself with a Mullin Rule certification, so he was able to vote tonight if needed.

William Roth started by reviewing his Memorandum #3, dated September 20, 2017. His recommendation was to approve with 20 special conditions.

Wayne Hayward in reviewing the buildout plan put in front of him advised there was no engineered stamp on the plan and it wasn't noted that it was a 'concept' plan.

Engineer, Steve Giosa of Sitec was present on behalf of Carricorp. Mr. Giosa stated that this concept plan was listed as page one of one and not included in the plan set, therefore it was not stamped.

Carricorp's attorney, Andrew Saunders was also present. Mr. Saunders went over the legal mechanics of the project advising there would be cross easements, easements for sewer and water across Lot 87; and that the owner of Lot 87 will commit to the 17' of frontage. He said the conditions set forth by Mr. Roth were acceptable to his client.

Mr. Giosa stated that the project met with MADOT since their last meeting with the Board. He said they have also received the order of conditions from Conservation Commission. The only other changes since their last meeting was evergreen plantings on the South side of the drive thru and a solid vinyl white fence that was 6' high.

Rene Fleurent asked why the fence was not 10' high as he suggested. There was a little discussion about what was allowed.

Mr. Giosa reviewed the concept plan with the Board with no set tenants. He said the plan was drawn up for informational purposes only.

Ms. Richard asked about the sign height.

Mr. Giosa stated that it would be in compliant as zoning requests.

Ms. Richard asked about the store hours.

Project manager, Alexander Carrigg was also present, he stated they are proposing 5 a.m. to 11 p.m.

Discussion on a possible condition to avoid a 24 hour operation.

A brief discussion on the landscaping of the project.

Mr. Hayward expressed his concerns on the driveway and not liking the curb cut of such driveway.

Mr. Carrigg stated that their number one priority is safety and they have hired traffic engineers, met with MADot and confirmed that the driveway into the lot is indeed safe. "We have no gray area when it comes to safety," he said.

Mr. Hayward stated that SRPEDD shared concerns on the curb cut at the location.

Maureen Chlebek of McMahon Associates stated that if the location is not convenient for a patron to enter that they really would not be entering the location. She was of the professional opinion that the location to drive in and out was considered safe.

Owner of the two lots, Rich Riley was present in support of the project. He discussed the project and asked the Board to support it.

Discussion ensued on concerns of the curb cut.

Mr. Giosa expressed that they were talking about a back up during peak hours only, early a.m. and late afternoon; and there would be no back up during off hours.

More discussion from the MADOT meeting occurred.

Resident, Dennis Sirois of 267 Mill Road expressed his concern for the project stating he was not in favor of it. Mr. Sirois said the “project was a recipe for disaster.”

Ms. Richard asked if the Conservation Commission decision was unanimous, which Mr. Carrigg stated it was.

Attorney Saunders stated that the ‘use’ is allowed in that area; Mr. Hayward concurred as it is zoned Business.

Ms. Chlebck stated she does work for Carrigg; however, she is of the professional opinion that the driveway is the optimal position and is safe.

Mr. Giosa concluded for the project to move on from this point that perhaps the Board could advise how far East they would like the curb cut moved. He said it would be a possibility of 24-30 feet, however 80-100 feet not so.

Discussion ensued.

Mr. Carrigg offered that the Board hire their own independent Traffic Engineer to review the curb cut and driveway and that they would pay for it

Ms. Melanson asked if the applicant agreed to move the driveway east twenty-five to thirty feet would the Board be happy at that point?

Mr. Carrigg again reiterated that safety is the utmost importance to his company.

Cathy Melanson made a motion to continue the Public Hearing to October 24, 2017, so that the applicant has time to move the curb cut and bring back possibilities to the Board and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

Cathy Melanson made a motion to adjourn and was seconded by John Farrell, Jr. The motion passed unanimously. Meeting was adjourned at 9:08 PM.

Documents reviewed:

1. Memorandum #3 – William D. Roth
2. Applicant revised Plan Set dated 8/14/17

Respectively submitted,

Patricia A Pacella, Recording Secretary