

Ms. Richard asked if in the Staff Report, Ms. Bradwers was in agreeing with Mr. Roth's information.

Ms. Bradwers said she was in agreement with the staff report.

Mr. Fleurent asked if Reservation Road was a paper street.

Mr. Hayward stated it was the end of Sedgewick. Mr. Fleurent wanted to make sure we are just combining the lots into one.

Motion passed unanimously. Plans will be signed at the end of the meeting.

2. Antonio & Ines Lopes – Removal of property from M.G.L. c61A classification and notice of intent to covert. 20 Yankee Lane, Map 39, Lots 16, 23 & 30.

Mr. Hayward explained if land is under chapter 61A, the Town has the right to first refusal. Mr. Hayward showed the Board the plans. Mr. Hayward explained this where the two array of solar farm was approved last year. Two lots are coming out of Chapter 61A. Applicant just wants to remove the two areas where they are going to put solar and leave the rest in Chapter 61A.

Mr. Hayward said the question before you is whether the Town has any interest in this land.

Ms. Richard asked if the Board of Selectman have voted on it as of yet; Mr. Hayward believed they voted to send it to all departments first.

Mr. Hayward said that every board has to make the same decision as the Planning.

Mr. Hayward explained we all make a recommendation to the Board of Selectman whether or not the Town should purchase this property.

Mr. Carey was present and said he understood that the Board of Selectman met last night and is waiting for the recommendation from the different Boards.

Ann Richard made a motion to continue this until the March 27th meeting. Mr. Fleurent asked why. Ms. Richard explained that according to the plan it is not feasible to do what they want to do. Jeffrey Lucas seconded them motion.

Mr. Fleurent asked if we were waiting for clarification.

Mr. Hayward said it was very clear and someone has to make a decision. Mr. Hayward did not think that the Town would benefit from this land.

Motion passed to continue to March 27, 2018 - 5-1, with Rene Fleurent in opposition.

Approval of Plans: None

C. PUBLIC HEARING:

1. Special Permit – Verizon – V# SC05 – located on Utility Pole #46/10 in the Town right-of-way On Center Street, adjacent to 46 Center Street. Continuation from January 23, 2018.

Mr. Hayward stated we took public testimony at that meeting and asked if Attorney Klasnick was interested in moving forward with the six members.

Attorney Klasnick asked for clarification if the members not present would be able to vote at a later meeting with a Mullen Rule request.

Minutes
Fairhaven Planning Board
Tuesday, February 27, 2018

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2018 MAR 28 P 1:38

The meeting opened at 6:30 p.m. Mr. Hayward advised the meeting was being recorded and televised live. Mr. Hayward introduced Connie Brawders, as Interim Town Planner.

FAIRHAVEN,
MASS.

A. ADMINISTRATIVE BUSINESS:

Present: Wayne Hayward, Rene Fleurent, Peter Nopper, Cathy Melanson, Jeffrey Lucas and Ann Richard

Absent: John Farrell and Nicholas Carrigg

Acceptance of Minutes: January 23, 2018 – Rene Fleurent made a motion to accept and was seconded by Cathy Melanson. The motion passed unanimously.

Planning Board Bills:

1. N. Douglas Schneider - \$180.00

Jeffrey Lucas made a motion to pay the \$180.00 to Douglas Schneider and was seconded by Cathy Melanson. The motion passed unanimously.

2. Neighborhood News – Verizon - \$130.00

Jeffrey Lucas made a motion to pay the \$130.00 to Neighborhood News and was seconded by Rene Fleurent

3. Office Supplies – Staples - \$79.00

Jeffrey Lucas made a motion to pay the staples bill and was seconded by Rene Fleurent.

4. Thomas Crotty & Associates – Overlook Realty Trust - \$700.00

Jeffrey Lucas made a motion to pay Thomas Crotty and was seconded by Rene Fleurent. The motion passed unanimously.

5. Citizen Planner Training Collaborative (CTPC) Training - \$75.00 each to cover any member who wants to attend. Wayne Hayward and Rene Fleurent would like to attend – it's on March 17, 2018. Ann Richard stated she may want to attend, she's not 100% sure if she can attend. She would pay for herself.

Wayne Hayward made a motion to pay \$150.00 for training and was seconded by Ann Richard. Rene Fleurent abstained. Motion passed.

6. Staples - \$93.76 – Tabled until the next meeting.

B. CURRENT PLANNING:

Receipt of Plans: Form A – Scott Snow - 3 Sedgewick Road & Reservation Road, Map 29B, Lots 476, 477, 478, 479, 480 & 482.

Mr. Snow stated they went in front of ZBA and were denied. They've acquired another lot and want to combine all the lots into one plot.

Mr. Hayward said they do have the necessary frontage, 143.2' on Sedgewick Road.

Mr. Hayward said the only thing that is relevant to the Planning Board is that he has enough frontage. He explained it was a Form A application.

Cathy Melanson made a motion to approve the Form A application and was seconded by Mr. Fleurent.

Mr. Hayward said the two members absent, John Farrell and Nicholas Carrigg would be able to provide a Mullen Rule, as they were both at the January 23, 2018 meeting.

Ms. Richard asked if the shot clock was on this applicant, Mr. Hayward said it was and they have to make a decision by March 18th (90 day shot clock).

Attorney Klasnick recapped the project.

Dr. Hayes spoke about the project.

Discussion on the 5% rule and the FCC interpretation of multiple transmitter sites.

Mr. Hayward said that all the Verizon towers they had previously approved were under the 5% rule and this one presently is 10%.

Attorney Klasnick stated that this project is 100% in compliance with the FCC.

Mr. Hayward stated this is very widely used location. It's in the center of Town.

Mr. Fleurent asked if there were other locations reviewed for this project. Attorney Klasnick said they provided the best location possible.

Attorney Klasnick asked for the extension to be continued to March 13, 2018 in hope that a full board would be present.

Ann Richard made a motion to continue the Public Hearing to March 13, 2018 and was seconded by Rene Fleurent.

Resident, Tobie Simmons asked to speak.

Mr. Hayward stated that she was able to address the applicant at the previous meeting. Mr. Hayward allowed her to speak.

Ms. Simmons stated she was concerned about safety and asked if all the data that someone has a cell phone is shared data. She said she wanted her privacy and its important to her.

Mr. Hayward asked for residents who wanted to speak to keep their questions very specific to Dr. Hayes only. He advised that he has already allowed the same residents to speak and ask their questions previously and the meeting was running very late to adhere to the schedule of two other public hearings tonight.

Motion passed unanimously.

2. **Rezone** – The applicant, Scott Snow, is seeking to rezone two parcels of property located on Huttleston Avenue approximately 100' west of Gellette Road, Map 31, Lot 115A containing 19,050 square feet from Single Residence Districts (RA) to Apartment/Multifamily Districts (RC) & Map 31, Lot 117C, containing 2.06 acres from Business District (B) to Apartment/Multifamily Districts (RC). The total area of the two lots is 108,800-square feet.

Mr. Snow has put forth a rezone warrant for the Town Meeting. Mr. Hayward said at this point they're only a recommendation board to the Town Meeting.

Mr. Snow stated he wanted to rezone it from mixed to RC.

He said his intent is not affordable housing.

Mr. Fleurent asked about what the rezone would be. Mr. Hayward explained one lot is mixed and the other is commercial; the intent is to rezone to RC.

Ms. Richard stated she read the report and the police chief had some concerns about the traffic in that area because of the curve at that lot.

Mr. Snow said he'd look at that in the future and think about "T" cuts vs. curb cuts.

David Vincent, an abutter to the property. He said the petitioner has no specific plan and doesn't think the zoning should change until we know what's going to go there. Mr. Vincent said it doesn't make sense.

Mr. Hayward said the law is to look at the article as it is on the Town Meeting warrant. He said worse case scenario, most intensive use of the property.

Mr. Fleurent advised they would need to come forth again for a Special Permit if it got approved at Town Meeting.

A resident spoke about the best use possible of a rezone. He said it's a "pipe dream" to talk about something that's not even on a piece of paper yet.

Mr. Snow said that he does have a wetland delineation line in place from Conservation Commission.

Discussion on the drainage errors in that area.

Residents shared their concerns about the drainage in that area.

Wayne Hayward said the Board didn't need to make a decision this evening.

Ann Richard stated she was glad the Board heard from the residents who were concerned that lived in that area. Ms. Richard said that her concern was the people that signed his warrant list aren't even people who live in that area.

Mr. Hayward explained that this rezone was on a warrant to already to go to Town Meeting.

Mr. Fleurent believed the Board should take a vote on the recommendation.

Mr. Fleurent made a motion to continue this matter.

Discussion ensued with Mr. Hayward wondering if he needed a date certain.

Ms. Brawders advised yes, the Board would need a date certain to make a decision on recommending the rezone or not.

Mr. Fleurent made a motion to continue this rezone to April 10, 2018 and Cathy Melanson seconded. The motion passed unanimously.

3. **Special Permit** – The applicant, Clean Energy Collective LLC, is requesting approval to construct an approximate 3 megawatt solar farm consisting of approximately 11,000 ground mounted solar panels on two lease areas for a total lease area of approximately 15 acres. The location is 20 Yankee Lane, Map 39, Lots 16, 23 & 30.

Mr Hayward opened the special permit public hearing.

Greg Carey spoke about the project. He stated 59 acre property owned by the Lopes. He stated they have filed a Notice of Intent application with the Conservation Commission. Mr. Carey said it was an isolated area and very little impact to the neighbors. The project will also provide affordable renewable solar energy to the community.

Richard Taminski from Atlantic Design reviewed the project. He showed where the access roads would be located on the property. He stated the total area being disturbed is approximately 15 acres; the two fenced in areas are 11.9 acres. There are two separate arrays of solar.

Mr. Hayward asked if they were going to stay with the 3 megawatt, because they put into Eversource for up to 3.8 megawatt.

Mr. Carey stated that they are going to stay within the 3 megawatt arrays.

Mr. Hayward stated that the plans need to be a little clearer about the tree clearings.

Mr. Lucas asked about the access roads.

Discussion ensued.

Ann Richard made a motion to continue to March 27, 2018 and was seconded by Cathy Melanson. The motion passed unanimously.

D. LONG RANGE PLANNING:

1. MASTER PLAN UPDATE:

Wayne Hayward stated he had one more phone conference with VHB regarding March 13th final presentation. He said it was a public meeting, the ceremonial memorialization of the Master Plan. Ann Richard with offer her assistance to Ms. Brawders to get the word out for the public meeting on the March 13, 2018.

E. CORRESPONDENCE: None

F. OTHER BUSINESS:

Marijuana Medical Meeting

Cathy Melanson stated it was a very long meeting. She said that there was a public meeting already held and people said what they had to say.

Mr. Hayward stated that the Board of Selectman voted to have a fall town meeting.

Cathy Melanson made a motion to adjourn (9:44 p.m.) and was seconded by Rene Fleurent. The motion passed unanimously.

Respectively submitted,



Patricia A Pacella