

PLANNING BOARD MEETING OF May 12, 2009

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

Chairman Fleurent – I am still running the meeting as Chairman until I am replaced.

Timothy Cox – Is that how it's supposed to go?

William Roth – As a guideline, Roberts Rules of Order is vague.

Albert Silva – I ran the last meeting as Vice Chairman.

Chairman Fleurent – A tie vote is a no vote. I checked with an attorney who stated that I am Chairman until I am replaced. I still retain the Chair until I am succeeded. I cannot run again for Chairman.

Albert Silva – You did not get the two thirds vote.

Chairman Fleurent – All that means is that I can't run for Chairman in the coming year.

Wayne Hayward – The Planning Board does not go by procedural rules.

Marinus Vander Pol – This has never been brought to a challenge. Until they are challenged, they won't be taken seriously.

Timothy Cox – I would just like to see this go to a rotating Chair. I'm doing nothing wrong.

Chairman Fleurent – I'll entertain nominations for Chairman.

Timothy Cox – We did this at the last meeting.

Gary Staffon – Only Mr. Fleurent and Mr. Cox were nominated. I didn't hear any other nominations.

Chairman Fleurent – I can't run because I did not get the proper votes.

Wayne Hayward – The way I see it is there was a tie. Nobody won that election. If you invoke the rule, use it.

Joseph Morra – We have an even member board. The chairman doesn't vote. That's how you break a tie.

Albert Silva - Why don't we table this until we get Town Counsel's opinion?

William Roth – The Selectmen may not approve the use of Counsel due to funds.

Wayne Hayward – We need to get past this and start running business.

Albert Silva motioned to table the issue until we get something from Town Counsel. Gary Staffon seconded. The vote was 4 in favor and 4 against. Therefore, the motion does not pass.

Albert Silva nominated Timothy Cox for Chairman. Albert Borges nominated Wayne Hayward for Chairman. Each candidate received 4 votes. Therefore, neither is elected.

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present – None

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

Albert Silva motioned to accept the minutes for the April 14, 2009 meeting. Gary Staffon seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills –

1. Conference – MAPD - \$85.00 (JE)

Timothy Cox motioned to pay this bill. Wayne Hayward seconded. The vote was unanimous in favor. The motion passed.

D. Receipt of Plans –

E. Lot Release -

1. Definitive Subdivision – Antone Drive – Lot #6

Timothy Cox motioned to Release the lot. Wayne Hayward seconded. The vote was unanimous in favor. The motion passed.

William Roth – Mr. Roderiques wants to switch from a covenant to a \$15,000 cash security on his subdivision on Rivard Street project.

1. Definitive Subdivision – Rivard Street – Roderiques Subdivision – Lot #2A-2

John Roderiques – I have a check made out to the Town for \$15,000.00 for a retention basin and the road improvements.

Timothy Cox – So, you just want to release the lot and when it's all said and done, you get your money back.

Timothy Cox motioned to release the lot and hold the \$15,000.00 check. Albert Borges seconded. The vote was 7-0 in favor. Mr. Vander Pol abstained.

F. Approval of Plans -

1. Form A – Earl's Marina – Daniel Ristuccia – Causeway Road

William Roth- Earl's Marina is looking at buying a section of his neighbor's property. It meets all requirements.

Gary Staffon motioned to endorse the plan. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

2. Form A – John & Susan Roderiques – Rivard/Quincy Streets

John Roderiques – I'm looking for a buffer zone. That's all.

Chairman Fleurent – Are you changing any lot lines?

John Roderiques – Yes.

Wayne Hayward – We can only look at frontage. He's created two new lots. The frontage is all wetlands

and the other frontage is on an unimproved paper street. I do not see how that meets the ANR requirements.

John Roderiques – It's already an approved lot.

Wayne Hayward – The court has ruled on this and we are not required to sign a Form A. He is constantly filing Form A's to get around the subdivision laws.

John Roderiques – I'm doing what I can legally do.

Wayne Hayward – That's been changed. We can only look at frontage. In both cases, you have none.

Timothy Cox – We've done this before.

Wayne Hayward – Handed out page 26 from the 2009 Massachusetts ANR Handbook, which supports denial of the ANR when wetlands prevent practical access through legal frontage.

William Roth – The Planning Board has to determine whether or not there is adequate access.

Wayne Hayward – The Building Commissioner would have to make his own finding.

Timothy Cox motioned to accept the plan. Gary Staffon seconded. Mr. Cox, Mr. Staffon, Mr. Borges voted in favor. Chairman Fleurent, Mr. Silva, Mr. Hayward and Mr. Morra voted against. Mr. Vander Pol abstained. The motion failed.

II. PUBLIC HEARING

1) Special Permit – John Folino – 15-28 Arsene Way

William Roth- I have identified some concerns. One was with the stockade fence around the dumpster enclosures. I would recommend a 2 or 3 sided block enclosure to match the proposed building. The Fire Chief would like the addition of a fire hydrant and sprinkler system. The property is in tax title. However, the owner is on a payment plan and the treasurer just wants to be consulted to make sure it's current. The waivers with drainage seem reasonable. I have also identified 18 conditions.

Joseph Borelli (abutter) – The Council on Aging is concerned with the back line. It's needs to be cleaned up.

Joseph Folino – We have no problem with that.

Albert Borges – I agree with Mr. Borelli on that.

William Roth – If you want him to add trees, you may want a revised plan. If it's a minor issue, you could add a condition.

Dom Corey (abutter) – The only concerns we have is the possibility of loading docks being put there as well as the tractor trailer traffic. Other than that, I think he's done fine.

Joseph Folino – We agree to no loading docks.

William Roth – A 19th condition would address the landscaping issue.

Wayne Hayward motioned to close the public hearing. Marinus Vander Pol seconded. The vote was unanimous in favor. The motion passed.

Gary Staffon motioned to accept the plan with 19 conditions. Albert Silva seconded. The vote was unanimous in favor. The motion passed.

III. OTHER BUSINESS

1.) Discussion: Twin Oaks Realty Trust/Southcoast Hospitals Group, Inc. – Mill Road

William Roth – This is the cancer treatment center that the hospital is proposing. The land is vacant. The zoning is RR and RA. The ZBA will hear this on June 3, 2009. I'm going to write a review memo to the ZBA regarding this project. Mr. Roth reviewed his comments and the plans with the Board

Mr. Silva and Mr. Cox left the room at 8:35 p.m.

Wayne Hayward – I would like to set up a hearing regarding our fees.

William Roth – I will advertize a hearing and put it on the next possible agenda, which based on the adverting requirement would be in June.

IV. STREET ACCEPTANCES – Mylar Signing

- 1.) Antone Drive
- 2.) Elliot Lane
- 3.) Hopkins and Brown Streets
- 4.) Jordan Lane
- 5.) Point Street

Each has been signed by all members.

Marinus Vander Pol motioned to adjourn. Gary Staffon seconded. The vote was unanimous in favor. The motion passed. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

James Pelland, Secretary
To the Planning Board