

PLANNING BOARD MEETING OF July 21, 2009

Place: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present – None

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

Raymond Fleurent motioned to accept the minutes for the June 23, 2009, meeting. Joseph Morra seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills – None

E. Release of Security

1. DPM Development – Jordan Lane

William Roth – They are requesting a release, since everything is done.

Timothy Cox motioned to release the security. Albert Silva seconded. The vote was unanimous in favor. The motion passed.

F. Receipt of Plans – None

G. Approval of Plans

1.) Form A – Carl and Steven Taber – 91 Shaw Road

William Roth- Per the Planning Board's requirement, the applicant has constructed the first 50-feet of Whitetail Lane per the original subdivision approval and the BPW has approved it. So, I am recommending endorsement.

Chairman Hayward – After seeing it constructed, I wish it were narrower.

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

2.) Form A – Gardner Kendrick – 471 and 473 Main Street.

William Roth- I am recommending endorsement due to the fact that they have complied with the law.

Raymond Fleurent – This was three tax lots at one time.

Kenneth Ferreira – That's right.

Raymond Fleurent motioned to sign the plans. Timothy Cox seconded. The vote was 7-0 in favor (Mr. Vander Pol abstained.). The motion passed.

II. PUBLIC MEETING

1.) Preliminary Subdivision – NSTAR – Doane Street

Chairman Hayward – This is a continued meeting from last month.

William Roth- They have not submitted any revised plans. I did speak with the engineer. There is a meeting in August with regard to the sale.

Ken Conte – We appreciate and welcome all of your comments from last month. NSTAR wants to address as many concerns as possible, including the pathway and the access to it. We understand the issues you have with the roadway. We talked about shifting the roadway away from the abutters. But we still feel the LID concept is the best for this situation. You might want to consider the 18 foot roadway instead of 20. We feel low impact is the best way to go.

Chairman Hayward – We have 45-days to act on this, which means we have to do something tonight.

Joseph Morra – I still question as to whether or not there is a ledge there and you won't find out until you start digging. If there is ledge there then what will you do?

Ken Conte – We'll blast.

Joseph Morra - I'm concerned about the impact.

Raymond Fleurent – We know there is a lot of ledge in that area, but there are ways to do away with it. I think the swales should go in the rear of the buildings, not in the front.

Chairman Hayward – I guess we don't have a lot of specific answers yet. I'm concerned as to how you go forward with so many unknowns.

Sally Martin – You mentioned a path. Could you show us where?

Ken Conte – It is between proposed lot 2 and lot 3.

Chairman Hayward– Would that be an easement?

Ken Conte – I'm not sure.

Tom Perron – I'm concerned about the swale because of the mosquito problem.

Marinus Vander Pol – We addressed a number of issues at last meeting and while I'm happy to hear some verbal answers, the plan hasn't been changed. I am disappointed and am inclined not to vote in favor on this.

Jim Duggan – I also have a concern with the swales.

Sandy Saunders – I want to go on record as saying that the biggest issue is water.

Chairman Hayward – We don't have a lot to talk about tonight because we don't know a lot about it.

Albert Silva and Gary Staffon abstain from voting because they missed the first meeting.

Timothy Cox motioned to deny the Doane Street preliminary subdivision application. The petitioner cannot meet many of the design requirements under Fairhaven Code Chapter 322 and has asked for numerous waivers that are not in the public interests. Joseph Morra seconded. The vote was 6-0 in favor. The motion passed.

Marinus Vander Pol requested a 5 minute recess. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

III. PUBLIC HEARINGS –

1.) Definitive Subdivision – Bouvier/Severence/FHA – 249 and 253 Main Street
Chairman Hayward called the meeting back to order.

William Roth – In my memo dated July 15, 2009, which was sent to all interested parties. The Fairhaven Housing Authority has a P&S to purchase this land. Town Meeting approved CPA funds for the Housing Authority to purchase the property. This was a 5 lot subdivision; however, this proposal is to create lots around the two existing houses that meet the frontage and lot requirements and a proposed lot 3 that would need a waiver to the frontage requirement. Any future development by the Housing Authority would be an application before the ZBA because the Housing Authority falls under the 40B development requirements. I told them they need to provide a minimum of a 25 foot driveway. This is a positive step. It's been over 20 years since they have developed any new housing.

Kris Sheedy (Director) – This is an exceptionally good proposal that will benefit the Town. It's a wonderful opportunity.

Ray Sylvia (Chairman FHA) – We originally were looking at a piece of property at Oxford Terrace. I'm proud of what we have there and what we will do with this property.

George Graves (abutter) – We're concerned with the water run-off.

William Roth – This subdivision has no proposed drainage because no new improvements are proposed. Drainage will be reviewed in the future when a development is proposed.

Raymond Fleurent – Does the 32 feet of frontage on lot 3 require an 81R waiver?

William Roth- Yes and it's a condition.

Raymond Fleurent motioned to approve the plan with the order of conditions. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

2.) Special Permit – Metro PCS MA – 197 New Boston Road.

William Roth – We identified all issues. The Town departments have none. He has met all criteria for approval. There is one outstanding issue that the real estate property taxes and water bill are owed and past due. This should delay approval. I recommend that you do not approve the special permit until the bills are paid. You could also continue it. You could also have the hearing, close the hearing and approve it once the bills are paid. That's what I recommend.

Bob Watson – We've been working to get the tax issues resolved. I have a copy of a check dated yesterday for \$5,452.50.

Chairman Hayward– Does the Collector have that now?

William Roth – I checked with the Collector's Office this afternoon and nothing was received.

Bob Watson – It will be resolved if it hasn't been already. We're looking to co-locate an antenna array at the 130 foot level, on an existing cell tower and install equipment cabinets.

Raymond Fleurent motioned approval with 5 conditions. Timothy Cox seconded.

Timothy Cox motioned to add a 6th condition regarding payment of outstanding town bills prior to issuance of a building permit. Albert Borges seconded.

Joseph Morra motioned to vote on the 6th condition. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

Timothy Cox motioned to adopt the plan with all 6 conditions. Raymond Fleurent seconded. The vote was unanimous in favor. The motion passed.

IV. OTHER BUSINESS –

William Roth- The FHA was awarded \$20,000 to conduct an Affordable Housing Study. An RFQ is going out next week. They want a Planning Board member as part of their selection/review committee.

Chairman Hayward – Mr. Borges has volunteered.

Timothy Cox motioned to nominate Albert Borges. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

Gary Staffon motioned to adjourn. Timothy Cox seconded. The vote was unanimous in favor. The motion passed. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

James Pelland, Secretary
To the Planning Board