

PLANNING BOARD MEETING OF August 10, 2010

Place: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Hayward – Opened the meeting at 6:35 PM

A. Quorum/Attendance

Members Present: Chairman Wayne Hayward, Albert Borges, Joseph Morra, Gary Staffon, Albert Silva Raymond Fleurent, Peter Nopper and new member, Jeffrey Lucas. Quorum being present was acknowledged by Joseph Morra.

Planning Director William Roth was also in attendance.

Place: Town Hall Banquet Room

B. Acceptance of Minutes –

The Acceptance of Minutes of July 27, 2010 was addressed. Motion by Gary Staffon seconded by Peter Nopper to accept the minutes. Jeffrey Lucas abstained as this is his initial meeting. The motion passed.

C. Planning Board Bills -

Legal AD – Fairhaven Neighborhood News - \$72.00 – Eisenberg & Seaport Inn - \$36.00/each.

Motion by Gary Staffon seconded by Joseph Morra to pay the bills. The vote was unanimous. The motion passed.

D. Letter to Building Commissioner – Withdrawal of Special Permit – 1 Main Street

Motion by Gary Staffon seconded by Peter Nopper to mail letter to Building Commissioner. The vote was unanimous. The motion passed.

The Chairman noted the Planning Board has now filled the vacancy on the Board and same is filled by Jeffrey Lucas who has been appointed and sworn in.

II. CURRENT PLANNING

A. Receipt of Plans – Special Permit – **T Mobile-Northeast**, 197 New Boston Road (PH-9/14/10)

William Roth – addresses the Board and recommends the public hearing be held on September 14, 2010.

Raymond Fleurent – cautions that there must be taxes to be paid.

William Roth – Addressed the issue that MGL - c. 40 Section 57 states that a Special Permit cannot be issued if taxes and fees such as water bill are due. However, it is not a reason to deny setting up a public hearing. It could be a issue because the property owner owes over \$6,000.00 in overdue taxes. T-Mobile has been made aware of the situation and is working with the property owner.

Motion by Gary Staffon and second by Peter Nopper. The motion passed.

B. Approval of Plans - Form A – **Morra Properties, LLC**, 126 Bridge Street

Joseph Morra – Excused and leaves the meeting room, as he is an owner of property.

William Roth – addressed the Board and indicates there is adequate frontage. Motion by Raymond Fleurent and seconded by Albert Borges. The vote was unanimous. The motion passed.

III. LONG RANGE PLANNING – None.

IV. PUBLIC HEARING – .

1) Def Sub – **Todd Eisenberg** – Washburn Avenue – East of Farmfield

Chairman Hayward – Introduced the Board, requests public advertisement be read.

William Roth – reads the public advertisement

Chairman Hayward – addresses applicant indicating this is the first proposal under a definitive plan.

Steve Gioiosa– represents application, Todd Eisenberg. Has been in front of Board on two prior occasions. Pictures and plan reviewed and explained. Indicates there are a couple acres of undeveloped land. Planning and Conservation – defined right of way through property. Original proposal did not provide. Concluded to be reviewed with conservation. Drainage and wetlands. Applicant withdrew. Current owner and applicant now with new application for Todd Eisenberg. This applicant went to conservation and an evaluation and recommendation was done by Mr. Rockwell. He wants to create access to Lot 1. Conservation gave an Order of Conditions. This will include: the straightening of Washburn Avenue to the north; paved apron; an eastern section of Washburn Avenue to be cleaned up with a firm base; Extension of sewer line to the lot; Water Service being brought in from Farmfield; put in a hydrant; and grading Farmfield and Washburn in which applicant will come back with a plan showing grades along Farmfield with regards to impact of paved apron. A gravel way for the one dwelling.

Chairman Hayward - Proposed before. Any questions from the Board?

Jeffrey Lucas – The Southern ends Lot 29 E?

Steve Gioiosa (Engineer for Applicant) – Existing property. Grade around 16 for house and 14 for the road. Flattens out.

Jeffrey Lucas – Parcel A is depressed and does not cross over.

Steve Gioiosa – there is a concern. Remove gravel that accumulates near the road.

Jeffrey Lucas – Gravel road being maintained by Town now. Applicant will not maintain road gravel.

Chairman Hayward – any thoughts William Roth?

William Roth – Reviewed his report.

Steve Gioiosa – Right of way discussed.

Chairman Hayward - NSTAR poles on street are shown on the plan. Gifford and Farmfield drainage of resident concern. Spot elevations. Applicant will need to address the Board.

William Roth – The drainage concern with Gifford Street is new and was not discussed with the two previous applications. Grading of Washburn goes in an easterly direction. Existing drainage. Fire Department denied plan and recommended paved road and need for a fire hydrant.

Chairman Hayward – Is there a hydrant within 300 feet.

William Roth – Based on the plans and depending how the Fire Chief measures the distance there is a hydrant a little over 300 feet.

Chairman Hayward – Eight inch water line for one home?

Steve Gioiosa – Project can support expenses as land is inherited from his father.

Chairman Hayward – Discussed hydrant issues.

Steve Gioiosa – If there is an overwhelming concern to have an additional hydrant, we will comply.

Chairman Hayward – how about the sewer?

Steve Gioiosa – Put in a manhole. Eight inch gravity line.

Chairman Hayward – Frontage discussed.

Chairman Hayward – Drainage report provided Orders of Conditions. Road is not wetlands, chapter 322. The road improves to the east.

Steve Gioiosa – Not changing the road. Changes for house. Bio-retention and additional expansion. Farmfield area not looked at as to apron portion.

Jeffrey Lucas - Ten foot or so encroachment to the road?

Steve Gioiosa – Yes.

Chairman Hayward – Eight inch gravity sewer. Building out, lot south is one lot.

Steve Gioiosa – Will restrict property. No setbacks. Westland is 15 x 40 feet.

Chairman Hayward – Other abutters?

Steve Gioiosa – Existing 160 feet, other is 40 feet.

Chairman Hayward and Steve Gioiosa – Discuss potential lot

Gary Staffon – There are three houses at the bottom of Washburn. NSTAR property is at end of Washburn. Map 6, Lot 43A a house and then Town land.

Chairman Hayward – Small sub-division. 18' gravel road; a lot of wetlands there.

Steve Gioiosa – Hydrant placement. One inch copper service and applicant will comply.

Chairman Hayward – Let's open this to the public.

Mr. Barlow – 4 Washburn Avenue, Three houses down from top, west of property. I have a grinder pump for my sewer. How far is sewer extension coming down?

Steve Gioiosa – Six inch line from design. Defer to Public Works. Prefer to bring line to house; and hydrant and main may be required.

Chairman Hayward – Vacant property...to bring line down for future growth?

William Roth – The hydrant is a Fire Department issue. If it is not approved with the subdivision, the Fire Chief may be able to require as part of the Building Permit process.

Chairman Hayward – This is unusual.

Steve Gioiosa – We can do some checking as to the hydrant before the next meeting.

Gary Staffon – Twenty-five foot apron using a gravel way.

Chairman Hayward – Fire Chief wants pavement.

Steve Gioiosa – Private road, Town has historically maintained it.

Chairman Hayward – Private way as public can pass over it. It can be a gravel road.

Gary Staffon – Discuss how many homes will this effect - 6 to 8 houses?

Chairman Hayward – Discussed ancient way and Washburn Avenue.

Wesley Wood – The access down by Cedar and Washburn is owned by NSTAR. Road is a mess at Washburn.

Rodney Shrader – 30 Washburn Avenue - I use the gravel road, that is what I use in that area.

Gary Staffon – Is that an easement?

Chairman Hayward – Not seeing easement here. Everyone has right to use the land.

William Roth – Discussed some of the history about Washburn Avenue.

Chairman Hayward – Open to the public.

Deb Shrader – 30 Washburn Avenue is my address. The property has had taxes not paid for years; now they are asking for an exception; legally road is a road; has concerns with Conservation Commission approval and wetland., drainage and the effect it will have with her house that was built in 1952 are my concerns.

Angela Barlow – resides at 4 Washburn Avenue. We pump our sewage up. Gravity feed including Washburn Avenue. There must be another lift station to support. In 1984 it was refused. It stops at my house and starts at Shraders. This will be impacting lines by putting another house in. That is something to look at.

Wesley Wood – resides at 33 Washburn Avenue, which is an existing sub-division. My concerns are: adding another house; drainage is already a mess and it floods us out all the time.

Chairman Hayward – Gravel now is maintained by the Town.

Wesley Wood – Yes.

William Roth – It is a private way that the Town has historically maintained. Plows in the winter and grades the road. Right of way should be fully defined and recorded because no recorded right of way can be found. This will clear up a problem of the “right of way”.

Chairman Hayward – Once there is a recorded layout, then the owners can petition Town Meeting for acceptance. Then they may want the Town to pay for a paved road going through wetlands. That’s where this can lead to.

Kathy Lopes – resides at 100 Cedar Street. Owns Logan Realty Trust, 140 Farmfield Street. Map 4, Lot

30A. I am an abutter to the property. For four years we have fought this project. If you're going to do it, do it right and by the rules. I have no sympathy for Eisenberg. He did not pay taxes. My property will be affected.

Gunnar Hexum – resides at 2 Washburn Avenue. This is Pandora's Box. My front steps are to the road. Apron at the end of my property will be an additional drainage problem and so will widening the street.

Steve Gioiosa – The propose apron is before Mr. Hexum's property and we are not proposing to effect gravel road in front of his property. Zero changes in drainage.

Gunnar Hexum – Three concerns: 1 uniform 18 foot Washburn. 2. Washburn is blind approach. 3. Left on Washburn off of Farmfield.

Jeffrey Lucas – Changes the sight distance. 75 degree angle with Farmfield Street

Steve Gioiosa – maximum angle allowed. May want to look at angle of roadway.

William Roth – The maximum the Board could require would be full improvement of Washburn for the first 300 feet and nothing beyond it. He highlighted the plans to clarify what was actually being proposed because he felt that the abutters may not have seen the proposed plans. Gravel to be improved was highlighted in blue.

Ann Magalhaes – resides at 17 Abby Street. Where on Abby Street will it affect us? We have wetland between us and Washburn Avenue..

Chairman Hayward – I don't see you being impacted.

Cheryl Graeben– resides on 16 Abby Street. South side of Abby Street. I have my doubts if it will only be one house. He couldn't afford taxes, but can now afford this.

Tom Bourque – resides at 36 Washburn Avenue. Major concern is drainage problem. Small section it will increase volume and will have to bring down grade. Farmfield and Gifford the water comes towards us. Currently there is a berm on the south side of Washburn. More water goes to Mr. Wood and The Shraders properties. Water goes into everybody's back yard.

Gary Staffon – I have a problem with the eight inch water line for the hydrant and if that will add future development.

George Baptista – resides at 31 Abby. I'm at the bottom of the street and there is a lot of water.

Horacio Pereira – resides at 29 Abby. It will go into my back yard. This parcel will bring more water.

Chairman Hayward – Do a lot of basements flooded in the area?

General response from the audience was that the basements flood.

Jeffrey Lucas – How is water problem?

General response from the audience was that since 1985 it has been worse.

Mr. Barlow – resides at 4 Washburn Avenue. There are underground springs all over.

Steve Gioiosa – There is delineated pocket wetland. The applicant has Conservation Commission approval to fill it in. Conservation Commission required a bio-retention area, special requirements for the grading of the lot. The requirements more than mitigate the drainage from the project. Commission must be satisfied. House is above the road and there will be no basement for the house. Anything below 13,

below sewer manhole is below 13.

Mr. Barlow – resides at 4 Washburn Avenue. Further development is needed as this lot is not buildable.

Jeffrey Lucas – Water retention. Total lot equal or less run off?

Steve Gioiosa – Less run off. Additional storage area is being provided.

William Roth – Another issue raised by the neighbors was the need for a Stop sign at Washburn, entering Farmfield area.

Chairman Hayward – We have issues.

William Roth – What effect does removing silt and replacing with gravel do?

Steve Gioiosa – Lower east end will be restored. Improve condition. Applicant did not cause it. It will be a net investment improvement. Town does it, applicant will do for one season, 100 feet for one time.

William Roth – Applicant is proposing what Town already does on a seasonal basis.

Chairman Hayward – Continuance date here? Not easy with a lot of history and road layout.

William Roth – September 14, 2010. Motion by Gary Staffon and seconded by Joseph Morra. Vote was unanimous. Motion passed.

2) Special Permit – **Seaport Inn** – 110 Middle Street

Chairman Hayward – Where does this Special Permit stand?

William Roth – application was withdrawn prior to this public hearing. A copy of withdrawal is in file and was mailed to every Board member. Applicant does not believe the application is 100% correct. This does not need a vote because application was withdrawn prior to the public hearing being opened.

V. OTHER BUSINESS – Appointment of Community Preservation Committee (CPC).

William Roth – I wanted to mention that there is a vacancy on the CPC that needs to be filled by a Planning Board member. Filling the vacancy is at the discretion of Chairman Hayward. The CPC will be holding their next meeting is 8/26/10.

Joseph Morra - motioned to adjourn. Albert Silva seconded. The vote was unanimous in favor. Motion passed. The meeting was adjourned at 8:57 pm.

Respectfully submitted,

Shirley Monte,
Recording Secretary