

PLANNING BOARD MEETING of June 26, 2012: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Wayne Hayward – Opened the meeting at 6:32pm

Quorum/Attendance

Members Present – Chairman, Wayne Hayward, Albert Borges, Frank Budryk, Rene Fleurent, Peter Nopper, Jeffrey Lucas, and Gary Staffon

Members Absent - Joseph Morra

Planning Director William Roth was also in attendance.

Acceptance of Minutes May 22, 2012

Gary Staffon moved to accept the minutes of the meeting on May 22, 2012, and was seconded by Francis Budryk. The motion passed by unanimous vote.

Planning Board Bills

1. GCG Associates - \$237.50. William Roth explained this bill is for the engineering for the chip seal project.

Fran Budryk asked who GCG was?

William Roth advised it was an engineering consultant they hired by the Planning Board.

Gary Staffon moved to pay the bill for GCG and was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

2. WB Mason - \$31.08. William Roth explained bill was for office supplies. Gary Staffon moved to pay the bill for WB Mason and was seconded by Peter Nopper. The motion passed by unanimous vote.

3. Bill Roth – SRPEDD Mileage - \$31.08. William Roth explained this bill was reimbursement for tomorrow's meeting. He said he was submitting the bill a day ahead for end of fiscal year, and the Board would not be meeting prior to the fiscal year ending.

Wayne Hayward asked what the account balance?

William Roth said there was approximately \$5.00 left after this bill.

Gary Staffon moved to pay the mileage bill for William Roth at \$31.08, and was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

4. Staples - \$338.02. William Roth explained this was just a portion of a \$1,026.00 bill. He told the Board that they had to replace the color printer that was four years old and purchase some cartridges, and there were also a few miscellaneous items in that amount. William Roth also told the breakdown of the complete bill was \$551.00 from P&E Department, and \$137.00 from the Community Block Grant.

Wayne Hayward asked if the old toner fits in the new printer?

William Roth advised it does not. He did say, however, they waited til the previous printer completely ran out before buying the new printer.

Albert Borges moved to pay the \$338.02 Staples bill, and was seconded by Gary Staffon. The motion passed by unanimous vote.

Wayne Hayward told the Board there were people present for the public hearing for Rocky's Ace Hardware store, and that we would jump to that hearing. All agreed.

IV. PUBLIC HEARING

1) Special Permit – Rocky's Ace Hardware – 221 Huttleston Avenue

Wayne Hayward called the public hearing for Rocky's Ace Hardware open, and asked William Roth to read the advertisement as advertised in the Fairhaven Neighborhood News for two weeks.

Wayne Hayward announced that the meeting is being taped, and then he introduced the recording secretary, the Board Members, and William Roth, the Town Planner.

William Roth began by reading the information regarding the project. He said that he had some concerns that he and the architect had discussed and has already updated these new plans with some of the concerns. One concern being he didn't want to see chain link fence around the garden center and the applicant had agreed to faux wrought iron. Mr. Roth also said there was issue of propane tank that it was a pretty large tank and there would be faux wrought iron fence with a 1/2" x 1/2" mesh, black screen behind to provide additional screening. He said it doesn't totally block it out, but mutes it down. During the review of project, Mr. Roth said he pointed out the stop sign adjacent to crosswalk, which was not on first set of plans, but now on these revised. He said that the stop sign would remain. The propane space was widened by 1 space, and the garden center was narrowed. Mr. Roth advised that the Fire Chief has no issues. Police Chief had no objections. Board of Health – no objections. He said that the BPW did have a comment regarding utility changes would need to approve, if there were any. The Building Commissioner had a concern on how they were looking to monitor the propane tank. Would it be locked? Perhaps a camera.

Mr. Roth said he was recommending that the Board approve the plans with the conditions he had listed.

The applicants for Rocky's Ace Hardware were present to speak on behalf of the project. Howard Levine of Levine Architects introduced himself as well as introducing Joe Fassau, Store Manager and Larry Forcetti, Project Manager.

Larry Forcetti addressed the propane. He advised that all employees would be on walkie-talkies and when customer walks in to get propane, an employee would walk out with them. He said that it would always be locked.

Jeffrey Lucas asked if it's refilling or exchanging tanks?

Larry Forcetti said, "Refilling."

Jeffrey Lucas asked if there would be camera monitoring?

Larry Forcetti said, "Yes."

Francis Budryk said, "I'm sure you have a policy that the propane tanks can't come into the store."

"Oh, Yes," Larry Forcetti said.

Mr. Forcetti advised the Board that the company handling the propane is Bemer. He said they handle the exterior signage for the tank and every associate is trained thru them.

Gary Staffon asked the size of the tank.

1,000 Gallon, Mr. Forcetti said. And also said that the tank would probably be filled up late afternoon or on a Friday morning early delivery. They are the ones that recommend the volume.

Gary Staffon asked about the roof of the garden center.

Howard Levine said it's going to be open, and then showed a picture from another store explaining it has an awning.

Gary Staffon asked if it was a retractable awning. "Is this what you'll have in Fairhaven," he asked.

Larry Forcetti said, 'similar.'

Francis Budryk asked if there would be an awning over the propane area.

Mr. Forcetti said no.

Jeffrey Lucas asked what the dimension of the garden center is.

Mr. Levine said he had the garden center at 2,000 square feet, but didn't have the depth dimension of the garden center.

William Roth guessed it at 30-35' wide.

Francis Budryk suggested putting parking near the propane area. "They're heavy," he said. "It would be a good idea just to park right there, and carry it over."

Larry Forcetti agreed. He said that May-September, an associate would most likely be in the garden area and would be able to assist a customer with propane right in that area.

Gary Staffon asked what is the plan for outside display? Anything displayed in front of the store?

Mr. Forcetti said there would be nothing outside the fenced area.

"Everything would be inside compound of gates," Mr. Staffon asked.

"Yes," Mr. Forcetti said.

Jeffrey Lucas said, "A follow up to Mr. Staffon's question, some stores put pallets out front with soil, mulch on them. So you won't be doing that?"

Mr. Forcetti advised they would have a fork lift in the back of the garden area and wouldn't need to put the soil or mulch out in front. He also advised 95% of their business is homeowner based. "Sometimes we may get a landscaper in a pinch, but most of our business is residential home owners," he said.

Francis Budryk asked if there would be any outdoor plumbing.

Mr. Forcetti said maybe a couple of lines around back.

Jeffrey Lucas asked if there would be any additional lighting in that area of the garden.

Mr. Forcetti said yes. But as we approach fall the area quiets down quite a bit.

Wayne Hayward questioned the proposed handicap sidewalk curb cuts. He explained that many people already drive thru that area or cut thru the plaza to get to stop & shop. And he had some concern about people walking in that area, and the need for the cars to slow down.

Mr. Forcetti said that he hung around there one day for five hours waiting for Comcast to look at something, and definitely noticed how much traffic really does cut thru the property. "It's a busy little spot," he said.

William Roth explained the only curb cuts were for handicap access.

Mr. Forcetti said they were open to suggestions, if anyone thought they needed to chalk something in the asphalt, they were open to doing that.

Jeffrey Lucas said that this type of business is more a morning, daytime business vs. the restaurant that was there was more of a nighttime business.

Wayne Hayward suggested adding an additional condition for the handle of the foot traffic and speed of the cars in that area, to slow it down, as a safety concern.

Albert Borges suggested a cross walk. "It should slow people down," he said.

Wayne Hayward suggested a sign out there like Stop & Shop has in the beginning to get people to slow down.

Gary Staffon asked, "What are you doing for carts?"

Mr. Forcetti said they have 15 in a corral in the store but no outside corral. He also said that carts are picked up by associates; it's usually the associate that is out there assisting the customer to put stuff in their car.

Peter Nopper asked if there is any sort of repair service located in the store?

Mr. Forcetti said, "Initially no." He explained there would be a service counter to cut keys, answer questions, but there would be no gasoline engine repair service at all.

Rene Fleurent, Jr. said his only concern was the racing thru the parking lot and that he would just like to see that made safe for pedestrians.

Mr. Forcetti said they were looking at opening late September, early October.

Francis Budryk asked if the safety would be primarily the owner of the plaza's responsibility?

William Roth said that painted crosswalks should not be a problem, and that it would most likely be Rocky's responsibility.

Wayne Hayward asked if there was anyone in the room who had anything to say about the project.

Mr. Richard Clark, of 16 Timothy Street did say he didn't have objections to the store opening. But he was objecting to the danger, explosion and fire of the propane tank. He said they hear noise from the turbines, noise from Stop & Shop, the smell from the water sewer treatment and now potentially the propane tank concern.

Gary Staffon said he never saw a propane tank blow up.

Mr. Roth informed the applicant and audience that Mr. Staffon owned a garden center and had a propane tank on the property, and that's how he speaks from his experience.

Wayne Hayward said that there were two other businesses in Town that had propane tanks that they filled. He said that he personally feels comfortable with the tank being there.

Jeffrey Lucas asked where the homes are around there.

Mr. Roth explained on the plans that the residential homes are behind the bike path.

Wayne Hayward asked, "The Fire Chief signed off on the plans?"

Mr. Roth said, "Yes."

Larry Forcetti explained that the drawings from Bemer had been dropped off to the Fire Chief yesterday and they hadn't received any questions to point.

Wayne Hayward said if there was any concern in the future of safety that the Fire Chief could always switch it to be exchange only.

Larry Forcetti expressed that he appreciated everyone's concerns.

Wayne Hayward asked about the signage. "As far as the signs," he said. "There is no new free standing?"

Mr. Forcetti said, "that's right." He also said they were not touching anything with the elevation.

Rene Fleurent Jr. asked how they were illuminating the signs?

Mr. Forcetti said the letters "Rocky's Ace Hardware" is lit only.

Wayne Hayward said to Mr. Clark that he had faith in our Fire Chief to handle any concerns in the future regarding the propane tank. He then asked William Roth to write up an additional condition for the applicant to paint crosswalks and have a temporary sign up that says something to the effect "slow, people crossing"...similar to what Stop & Shop has.

Jeffrey Lucas said, "One they can put out every morning, and take it away at night, right?"

"Yes," Wayne Hayward said.

Francis Budryk then asked the applicant what they were going to do to get employees. "I think you should try to get locals," he said.

Larry Forcetti agreed, "Absolutely," he said advising the Board they were going to hold a job fair at the store.

Francis Budryk asked, "How many employees?"

Joe Fassau, Store Manager said they were hoping to open with at least 12; with maybe some seasonal help.

William Roth then read the new special condition, #9 as the crosswalk and the sign. Larry Levine asked for two separate conditions, so there wouldn't be any confusion. Therefore, Mr. Roth read it as two additional conditions.

Jeffrey Lucas said, "This is very acceptable to us, slowing down people is a good thing."

Gary Staffon asked what the hours would be at the store.

Joe Fassau said “Probably 8am to 8pm Monday thru Saturday; and 9am-6pm on Sundays.”

Gary Staffon asked what they do at Christmas time; as far as selling trees etc.

Joe Fassau said they do sell some Christmas trees and wreaths.

Resident, Mr. Clark asked if the Fall River store sold propane?

Larry Forcetti responded that he wasn't sure; he'd have to look into that. But he did say that there are 29 stores in New England and that 90% have propane stations, with a few exceptions. He says it depends on whether there is room for the tank, etc. He said it may be in Fall River, but he'd have to check to confirm.

Wayne Hayward asked if there was an Ace Hardware store in Lakeville?

Larry Forcetti said, He was not sure. He explained that Ace is a co-op individually owned store.

Francis Budryk said, “Gotta have a plug for the Fairhaven Business Association in Town, I think you should get involved with that.”

Larry Forcetti said, “We usually do,” and they would look into. They like to be a part of the Town.

Wayne Hayward asked if there were any additional questions, seeing none he closed the public hearing at this time.

Wayne Hayward confirmed there were ten conditions.

Albert Borges moved to accept the plans with the ten conditions, and it was seconded by Francis Budryk. The motion passed with a unanimous vote.

Wayne Hayward continued with the agenda; going back to item II.

II. CURRENT PLANNING

Receipt of Plans:

1. Special Permit - Paul Tassopoulos – 200 Huttleston Avenue (PH 7/10/12)

Wayne Hayward explained this was an existing structure, existing site.

Rene Fleurent, Jr. asked, “Where's 200 Huttleston Avenue?”

Wayne Hayward said, “Luk-Oil near Manny & Bob's”

Approval of Plans:

1. Mill/Bridge Street Acceptance Plan – Sign Mylar

William Roth advised the Board this was a formality, that the Planning Board is one of the boards that sign the plans for a right away and a street.

Wayne Hayward explained this was something that was voted on at Town Meeting and approved.

Gary Staffon moved to sign the plans and was seconded by Francis Budryk. The motion passed by unanimous vote.

III. Long Range Planning

1. Chapter 316 Procedural Rules: Street Acceptance Procedure Flow Charts

William Roth gave the Board Members flow charts for their review and advised them they would discuss them at the next meeting. He advised them that this was the second draft for the "Street Acceptance with Plans and Legal Description." He explained the small key box at the end of the sheet, whereas for petition required ten signatures of registered voters for Annual Town Meeting and one hundred signatures of registered voters for Special Town Meeting. Mr. Roth also said he was giving them the "Street Acceptance and use of Engineering Funds" flow chart for their review.

Francis Budryk asked, "What do you mean engineering funds?"

William Roth explained that the Selectman have an Engineering Fund of \$2,000.00 to use. He said when a survey is required for a road right of way that cost money, and they use that fund to pay for it.

A brief discussion on street acceptances ensued.

William Roth also gave the Board a "Street Discontinuance" flow chart; and explained it to them.

There was a discussion on the term "paper street". William Roth said that an unaccepted street and a paper street are terms that are used interchangeable.

Francis Budryk asked, "Unaccepted by whom?"

William Roth said, "Town Meeting." He said it could be a private way, or shown as a way, but not developed. "Most are subdivision plats recorded prior to the adoption of Subdivision Regulations," he said.

William Roth asked the Board to look at the flow charts as their homework, write on them their suggestions and they would discuss at next meeting.

2. Washburn Avenue: Subdivision Plans Endorsement and Security

William Roth advised the Board he has been in touch with the developer, and they are waiting on the owner's attorney easement and the owner was deciding if he was going to donate the lot across the street to the Conservation Commission or deed restrict it.

Wayne Hayward asked if they were done with Conservation Commission.

William Roth advised they were, and also said they reduced the square footage of the house.

Wayne Hayward said as long as they get going on the project.

3. Chapter 322 Technical Specification: Chip Seal

William Roth said that he sent the specifications to John Charbonneau and he said everything looked fine. He said the next step was to send to routing list.

Gary Staffon said this was a great way to repair a road.

William Roth said, "Chip seal is not a repair."

Gary Staffon said, "In between paved and repair."

Brief discussion on paving, regarding and chip seal.

4. Chapter 198-29.5 Wind Energy Facilities: Bylaw Review

William Roth said that he has not received any comments or suggestions or phone calls from the WindWise folks. He said he has offered to sit with them to get their suggestions on rewriting the by-law, and no one has contacted him to initiate any conversation.

Wayne Hayward said, "It is early in the process."

William Roth said that now was the perfect time to start and he felt it was ironic that a group who was so vocal and critical about the wind turbines and bylaw was not participating in the bylaw re-write.

Wayne Hayward said, "Personally I want to see the complaints from the Board of Health."

William Roth said that the DEP is reviewing the sound but not flicker.

Wayne Howard asked Mr. Roth to get a sense of the nature of complaints coming in so the Board could get an idea of what they are, to help re-write the by-law.

William Roth said that the Town has been severely criticized for the wind turbines and that they left the public in the dark, he encouraged anyone who was watching to call him and come to his office to discuss any potential bylaw changes. Mr. Roth gave an open invitation to discuss with him their concerns. "It's frustrating to have a group sit on the sidelines and criticize the by-law but not participate in the re-write," he said. "When their has been an invite and no one has taken him up on it."

Rene Fleurent Jr. said, "Just leave the by-law as it is."

Jeffrey Lucas asked how many complaints of noise or flicker has there been? And how many are from same person?

William Roth said he could not get the specific complaints but he could get a general idea of what the complaints are.

Wayne Hayward said the Board was just looking for the general idea of what people are complaining about, so they can write a by-law.

Rene Fleurent, Jr. said that the Board of Health was the one who was collecting the complaints at this time.

Francis Budryk commented on behalf of the townspeople, they said they would give it a year, so just give them time to come in and talk to the Board or Mr. Roth.

"I don't mean to criticize," Mr. Roth said. It would be good, however to gather information so we can formulate it for a by-law.

"I don't know," Wayne Hayward said. "What's the state doing?"

Gary Staffon said, "It's not a surprise what we do is not going to be received by some. I know we have to tweak the by-law, but I've always been honest to say that I like it." He referred to tweaking height issues, setback issues and flicker.

Brief continued discussion regarding the by-law and gathering information from the public.

In other business, Francis Budryk asked about building permits and what the cost is of them; in reference to if it's about how much time the building inspector would have to spend on them.

Wayne Hayward said he was of the opinion that the Town should be reimbursed for what they spend.

William Roth said that he didn't think the fees of the Building Department were pertinent to the Planning Board. "It's not relevant," he said; therefore, I do not think the Board should discuss it.

Rene Fleurent, Jr. said, "It's not relevant to this Board, why are we discussing it?"

Francis Budryk said he brought it up because if it was pertinent to the Board it would be something they would have to consider.

William Roth said that Planning Board sets its own fees.

Francis Budryk said it wasn't so much the fee charge that he was questioning, but rather the amount of time that is spent on it.

No further discussion was made on the subject.

Peter Nopper moved to adjourn the meeting, which was seconded by Gary Staffon. The motion passed by unanimous vote. The meeting was adjourned at 8:13pm.

The next meeting is scheduled for July 10, 2012.

Respectively Submitted,

Patricia A Pacella, Secretary
To the Planning Board