

PLANNING BOARD MEETING of December 11, 2012: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Vice Chairperson, Gary Staffon – Opened the meeting at 6:30pm

Quorum/Attendance

Members Present – Vice Chairman, Gary Staffon, Peter Nopper, Jeffrey Lucas, Rene Fleurent, Jr. and Francis Budryk

Members Absent -- Wayne Hayward, Chairman

Planning Director William Roth was also in attendance.

Acceptance of Minutes November 27, 2012

Francis Budryk made a motion to approve the minutes of November 27, 2012, and it was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

Planning Board Bills:

None.

Annual Report: Review 2012 Annual Report

William Roth explained the Annual Report is due on January 4, 2013 and there is no additional meeting before then; therefore, he explained to the Board what was in the Annual Report.

Francis Budryk asked about what was the Commuter Rail Task Force Board that William Roth was on?

William Roth explained it's a Public Forum of members from different communities regarding commuter rail and issues. He explained that the meeting is at different locations and they meet every two to three months.

Jeffrey Lucas made a motion to accept the Planning Board's 2012 Annual Report and was seconded by Francis Budryk. The motion passed unanimously.

II. CURRENT PLANNING:

Receipt of Plans:

1. Special Permit – **Carl S. Hoines** - 313 Huttleston Avenue – (PH 01/22/13)

William Roth explained that Mr. Hoines just inherited this property from his mother, who passed. He also explained that before the mom passed, she was starting the process to create an in-law apartment at the home, and Mr. Hoines thought there were already permits pulled. However, after further investigation, Mr. Roth said that the window and roofing permits were pulled, but that was about it. Mr. Roth informed the applicant he needed to apply for a Dwelling Conversion application.

Jeffrey Lucas asked if the applicant wanted to convert to a two family?

William Roth said, 'Yes.' "Under the code it is a dwelling conversion," he said.

Jeffrey Lucas made a motion to hold the Public Hearing on January 22, 2013, and was seconded by Peter Nopper. The motion passed unanimously.

Approval of Plans:

William Roth advised that on the original agenda, there was the Welcome Street subdivision; however the builder hasn't signed a full P&S yet, therefore, the Developer, Island Associates, requested the lot release be pulled from the agenda.

IV. LONG RANGE PLANNING:

1. Chapter 198-29.5 Wind Energy Facilities: Bylaw Review (Final Discussion)

William Roth explained a few changes that were made on the draft. And then asked if there was anything else from the Board before they send it to the Selectmen. He explained, once the Selectmen reviewed, it would then come back to the Board and then the Public Hearing process would begin.

Jeffrey Lucas said that he really liked the way abandonment and decommission is laid out (referring to P. 3, F9 of the draft Solar Bylaw, that was on the agenda later); and that he liked that the word 'abandonment' has a glossary item. He said that he just liked the way it was written out, and would like to see it all uniformed as such.

Rene Fleurent, Jr. to Mr. Lucas' point said he would like to see on-site facilities written as such, saying that it was very precise.

William Roth explained when they get to the Public Hearing, they could put it out there for consideration. He then asked if the Board was ready to forward the Draft to the Selectmen?

Rene Fleurent, Jr. said he would like to see it put in Draft to the Selectmen.

Gary Staffon said he'd like to see it move to the Selectmen and when it comes back they could add and discuss anything else further.

William Roth said that if they wait to add any changes before going to the Selectmen, they were looking at sending it to Selectmen in January and end of February/March to start Public Hearings.

Rene Fleurent, Jr. said he had another suggestion regarding Commercial Utility Scale, currently 660kw, and he'd like to entertain changing that to 1 meg; and the 265 to 300' for setbacks. (P. 4, 2 & 4), to make unit as productive as possible. A "happy medium" of sorts, he said.

Gary Staffon said he thought the Board should wait to discuss at Public Hearings.

Francis Budryk made a motion to forward the Draft to the Selectmen, and it was seconded by Peter Nopper. The motion passed unanimously.

2. Solar Bylaw- Initial discussion

William Roth explained this is an initial discussion Draft. He said that Selectmen Bob Espindola had asked him to try and follow the Green Communities Act. Mr. Roth said the Solar By-Law Draft was an initial introduction to the Board. "In the back of your mind, as you read through this, you have to decide whether you want it to be a Special Permit, or as of right siting.

Jeffrey Lucas asked how compiling is the Town of Fairhaven with the Green Communities Act?

William Roth said that there are fuel efficient vehicles in Town, but most are exempt.

Jeffrey Lucas asked if Dartmouth backed out of as of right?

Francis Budryk asked what the benefit of being a Green Community was?

William Roth explained that it allowed for more State discretionary funding; "State grants."

Gary Staffon said, 'It helps you with your grants.'

William Roth said, "Yes it would."

Francis Budryk asked about, "What type of grants are we looking at?"

William Roth said he didn't have a detailed list in front of him, but one was the Open Space Preservation.

Rene Fleurent, Jr. commented that he thought the Board about six months ago voted not to participate in Green Communities.

Gary Staffon replied, "No."

Rene Fleurent, Jr. said he remembered they were in the room upstairs. "I thought it was related to the Green Communities Act," he said.

William Roth said that the only thing that happened was that Town Meeting didn't move on the Stretch Code. He said that he'd like to get a working meeting going on this Draft on January 8, 2013. He said the Board also had to submit their budget in mid-January, and they would have to discuss that at the January 8th meeting as well.

Gary Staffon said that he thought they should read the Draft and get themselves familiar with the information.

William Roth advised how they should be reading the document; the red would be choices to consider.

Gary Staffon asked if they review it like a Site Plan?

William Roth explained just like Special Permits, and site reviews, they couldn't deny because of "use".

Gary Staffon reiterated, "Can't deny this based on use?"

William Roth said, "Yes."

Jeffrey Lucas said he had gone through the Draft and had a few questions, if they wanted to go through it.

Gary Staffon said they could go through it.

Francis Budryk asked Mr. Roth what's the procedure? "How would you like us to do this," he asked.

Rene Fleurent, Jr. said, "It's really up to the Chairman, how to proceed with the discussion tonight."

William Roth said that it didn't matter to him. 'If there were general questions and comments, we could discuss; or people could email to me directly.'

Gary Staffon said he thought they should take general questions tonight.

Jeffrey Lucas asked about screening, he didn't see it mentioned in the document.

Gary Staffon asked, 'As in landscape screening?'

Jeffrey Lucas said, 'Yes. Fence/Screening should be in our review process, because it may change setbacks.'

Gary Staffon suggested it be written up perhaps in Landscape.

Jeffrey Lucas said he thought it belonged in setbacks, site plan.

Jeffrey Lucas also brought up having some type of yearly report, like the O&M in the Wind Facilities By-law. He then had a more specific question regarding "On-Site Solar Photovoltaic Facilities", and wondered about the sale of power or on-grid? "Does it mean they can or can not sell it?"

William Roth jotted it down saying he would take a look at it.

Jeffrey Lucas asked is selling back the power something they still do?

William Roth said, "Yes."

Gary Staffon reading from the 'definitions' page, asked why does it have to be 50%?

William Roth said that 'Commercial is over 50%, it's going to grid.'

Francis Budryk asked if there was anything in this Draft that said who was responsible for leakage into the ground?

William Roth said there is nothing that he knows of specifically in the by-law. "Like any spill, you're on the hook with DEP."

Francis Budryk asked if that was "automatic?"

William Roth said, "Yes, that's just the State Environmental Laws."

Rene Fleurent, Jr. asked how the By-law applies to homeowners.

William Roth said, 'They're essentially exempt. It's a separate State Law.'

A brief discussion ensued regarding if businesses were also covered under separate law.

Francis Budryk made a motion to table the discussion til the January 8th meeting; and was seconded by Jeffrey Lucas. The motion passed unanimously.

VI. OTHER BUSINESS:

William Roth said there were two letters of interests or resumes for the opening positions on the Planning Board. Mrs. Cripps and Mr. Gary Lovelett (which attends meetings regularly). Mr. Roth said only two have been received. He reminded the Board to be at the next Selectmen's meeting on Monday, December 17th for a deliberation and vote. He said the meeting has been posted.

In other business, Gary Staffon brought the Board's attention that Board meetings were now being launched as Videos on Demand; so that people can access us on-line and find our meetings any time.

William Roth said that 'All Government access is now available On Demand thru the Town of Fairhaven website.

Francis Budryk asked about Community Access.

William Roth advised him he could speak to Meaghen Blasingame, the Government Access Coordinator; when she came down to take down the microphones.

Lastly, Gary Staffon reported that he Wayne Hayward, and Rene Fleurent, Jr. attended a meeting at Whites in Westport sponsored by the IEEE in regards to Wind Turbine Noise and he asked Mr. Fleurent what he thought of the meeting.

“Very technical,” Mr. Fleurent said. “Extremely technical.”

Francis Budryk asked for an explanation of such meeting, because he was aware they could not discuss anything out of everyone being at these meetings.

William Roth explained he forwarded the email invite to every Board member, and it was \$10.00 to attend. “I send those emails out immediately,” he said.

Gary Staffon said the information gave few resources. The main speaker had a background in Marine Propelling (to keep the propellers quiet on a boat); and he thought the meeting was very informative.

William Roth reminded everyone that he sent a new email out regarding Solar at Umass/Dartmouth meeting on January 10th; he said it was free and during the day from 8:30-1:00.

Jeffrey Lucas made a motion to adjourn and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

Meeting adjourned at 7:30 p.m.

Next meeting on Tuesday, January 8, 2013.

Respectively submitted,

Patricia A. Pacella