

PLANNING BOARD MEETING of January 22, 2013: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm

Quorum/Attendance

Members Present – Chairman, Wayne Hayward, Francis Budryk, Kaisa Cripps, Rene Fleurent, Jr. and Jeffrey Lucas

Members Absent - Peter Nopper and Gary Staffon

Planning Director William Roth was also in attendance.

Acceptance of Minutes January 8, 2013

Jeffrey Lucas made a motion to approve the minutes of January 8, 2013, and it was seconded by Rene Fleurent, Jr. The motion passed by unanimous vote.

Planning Board Bills:

None.

II. CURRENT PLANNING:

Receipt of Plans:

None

Approval of Plans:

None

Wayne Hayward did ask William Roth how Washburn Avenue was going?

William Roth responded that it was a nightmare. He advised the Board that there were some issues and that Mr. Charbonneau of the BPW was meeting with them tomorrow.

Jeffrey Lucas made a comment to the fact that he lives in the area, and did notice that the house being built is a bit high; William Roth said that was reviewed by the building department.

Wayne Hayward told the Board he was just asking for an update.

III. PUBLIC HEARING:

1. Special Permit – Dwelling Conversion – Carl Hoines – 313 Huttleston Avenue

Wayne Hayward opened the Public Hearing, and had William Roth read the advertisement. He then advised that there were only 5 members present tonight; and that was not a quorum to vote on a Special Permit. He asked if the applicant was okay with continuing the Public Hearing to the next available date, which is February 26, 2013.

The applicant, Carl Hoines agreed that would be fine.

Wayne Hayward made a motion to continue the Public Hearing to February 26, 2013, and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. Unaccepted Street Discontinuance – **Roberta & William Martin** – Torrington Road – between 10 and 12 Gilbert St.

Wayne Hayward explained to the Board members that Torrington Road was a paper street with no construction on it; has grass and trees.

William Roth explained that there is a gas line running through Torrington Road in this section; and that the adjacent neighbor doesn't want any claim to the road. His recommendations are that the Board approve it with two conditions:

1. The applicant shall file a Form "A" plan with the Planning Board that combines the area of the discontinued street into the abutting parcel(s) in another manner agreed to by the Applicant and the abutting landowner.

2. Prior to approval of the Form "A" plan, the applicant shall submit proof of an executed easement with NSTAR for their utilities.

Kaisa Cripps asked a question regarding people who have been using the street to store their boats or use as driveways.

William Roth said, 'they are using the right of way,' and that a lot of people do that, but they don't own the property. Mr. Roth also said that the Town does not own the land.

Wayne Hayward asked why they are not going to discontinue the whole street, versus just a certain part. He also questioned an abutting resident.

Mrs. Roberta Martin said that she had been trying to go door to door, and was not able to speak to the owner of that above property directly. She did, however say that he was notified of the Public Hearing.

William Roth confirmed that all abutters were notified.

Jeffrey Lucas asked if the gas line goes to Mrs. Martin's home, and then runs North?

William Roth replied, "Yes."

Wayne Hayward said he was concerned about the neighbor in the back. Mr. Hayward said it would've been better from a Planning Board standpoint to discontinue the entire street, and not leave half parcel.

Mrs. Martin stated that the owner in the back was using the street as a driveway.

Wayne Hayward said that he would've thought this may have been discussed with the Town Planner beforehand.

Wayne Hayward said that NStar has an easement on that property with unknown parties at this time.

Jeffrey Lucas said, 'there should be a record of the easement.'

Rene Fleurent, Jr. said he felt comfortable approving as presented.

Wayne Hayward said he would amend the first condition to include they put a date to that the Form A should be done by; and he would recommend six months return.

Rene Fleurent, Jr. said he would agree with that, to do 180 days out for return.

Kaisa Cripps said that she had some concerns about not approving the whole street to be discontinued, as opposed to just half of it as requested. Jeffrey Lucas shared the same concerns.

“As we all seem to have the same concern,” Wayne Hayward said.

Francis Budryk made a motion to approve the discontinuance of Torrington Road with the two conditions as requested by William Roth, and was seconded by Jeffrey Lucas.

‘On the question,’ Wayne Hayward offered an amendment on the first condition that they add, “no later than June 22, 2013.”; and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

The first condition now reads as such:

1. The applicant shall file a Form “A” plan, no later than June 22, 2013, with the Planning Board that combines the area of the discontinued street into the abutting parcel(s) in another manner agreed to by the Applicant and the abutting landowner.

IV. LONG RANGE PLANNING:

1. Solar Bylaw- Review & Discussion

Wayne Hayward started the review and discussion stating that structurally they need to change some general terms, ‘excluded or included.’

Wayne Hayward stated that Senator Mark Montigny was present and asked if he wanted to say anything.

Senator Montigny said he was actually there to just listen, and wouldn’t be speaking.

Wayne Hayward asked him if he was generally supportive?

Senator Montigny said he was, but he was very sensitive about not speaking on the subject while it was going back and forth with the Board and the public.

Wayne Hayward asked if there was anything pending from a State level?

Senator Montigny said there was some deliberation, but nothing as of yet. He said the budget would be done in April, but there could be things seen before then.

Wayne Hayward said that it seemed the Board agreed that they were going through the draft as a Special Permit.

Wayne Hayward advised the Board that he would like a new section on spelling out ‘what the Facilities are’.

Jeffrey Lucas shared his concerns regarding size. He didn’t feel it was a one size fits both. He felt that there needed to be some restrictions on the setbacks.

Wayne Hayward made a motion to suspend Robert's Rules and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

Kaisa Cripps advised that she had done some research and was thinking it may be a good idea to limit to commercial, industrial and business zones only and 'non open space', or looking at Conservation Maps and limiting there. She talked about cities such as Westborough, Shrewsbury and New Jersey that had done this.

Rene Fleurent, Jr. said that he wishes to support sustainability for the small residential guy.

Wayne Hayward expressed they needed to maybe discuss more about clarifying what indeed they are talking about. He expressed that if you limit to only Commercial and Industrial zones, and then limit to non open spaces (Preservation Land), you would be effectively taking Solar Panels out of Fairhaven.

William Roth referred Board Members to page 3, #7 where he has added, "Clear cutting of trees and natural vegetation, within 5 years, shall be prohibited for the construction, operation and maintenance of the solar photovoltaic facility." Mr. Roth said they don't want a developer to come in and clear cut the trees, and that's why that was written in.

Jeffrey Lucas went back to size for a second and wondered if you could regulate size by project.

Wayne Hayward said the Board should be looking at 'What is it you're trying to protect?' that is the question they should be asking themselves.

Rene Fleurent, Jr. said they need to find a balance and create a situation that's good for everyone.

More discussion occurred around landscaping, and districts.

Wayne Hayward asked if it mattered what underlining zoning was if you're going to limit the number of acres?

The Board discussed the setback from residential; as well as it being a case by case.

Wayne Hayward said he was perfectly comfortable with it being Special Permit only.

William Roth asked, "Including on-site?"

Kaisa Cripps replied, "Yes."

Wayne Hayward asked, "What if small on-site? What would trigger an on-site review?"

A discussion ensued with an example of Wal-Mart getting panels, or putting panels up within their parking lot. Wayne Hayward, asked his question, "What are you trying to protect?" Some of the Board Members said 'tilting effecting drivers.' There was a brief discussion, and they discussed defining 'roof'? 'Roof as on top of building', or 'Roof' on a carport site design like REI that has solar panels on a carport cover in the parking lot, that houses the vehicles as well.)

Kaisa Cripps explained her biggest questions were with RR and AG zones

Is 10 acres a maximum or minimum? Discussion followed. Wayne Hayward used the example of 250K, do you want very small dense? Or 1k large parcel?

William Roth asked if it benefited the Town to have the farmer have a solar farm or a residential development and no open land.

Wayne Hayward brought up 'municipalities'; and said it needed to be clearer on the Draft.

William Roth said he streamlined municipalities in the definition (pg. 5) "For commercial or municipal purposes."

A brief discussion around a large acreage with Solar Panels, still mean open space took place.

Kaisa Cripps withdrew her earlier thought to limit to only industrial and businesses.

William Roth reviewed what he has written down on the Draft to review and/or research further for the Board.

V. CORRESPONDENCE:

None

VI. OTHER BUSINESS:

1. Planning Board Vacancy – Applicant Discussion

William Roth advised the Board that there were two letters sent in from residents. One was Cathy Melanson and the other Susan Spooner. Mr. Roth said he has scheduled a tentative meeting with the Selectman on February 4th at 7:00pm, if that was okay with the Board.

Wayne Hayward made a motion to accept the date of February 4, 2013, at 7:00p.m., to meet with the Selectman regarding the Planning Board vacancy, and was seconded by Jeffrey Lucas. The motion passed unanimously.

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

Meeting ended at 8:50p.m.

Respectively Submitted,

Patricia A. Pacella
Recording Secretary