

PLANNING BOARD MEETING OF MARCH 28, 2006

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Present – all members. Wayne Hayward arrived at 6:56 P.M.

Members Not Present – none.

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes – March 14, 2006

Gary Staffon motioned to accept the minutes to the March 14, 2006 meeting. James Holmes seconded. The vote was unanimous in favor. The motion passed.

C. Planning Board Bills

1. Staples - \$30.05 – Supplies

Marinus Vander Pol motioned to pay this bill. James Holmes seconded. The vote was unanimous in favor. The motion passed.

D. Receipt of Plans - None

E. Approval of Plans – None

II. PUBLIC HEARINGS

1.) Special Permit – Nextel – 72 Sycamore Street (continued from March 14, 2006)

William Roth – The applicant has revised the plan per our request. I am recommending approval subject to the nine conditions that I have identified. They would like condition number two regarding striping the entire parking area removed. You can do so if you wish. It is quite a large area.

James Holmes motioned to grant the Special Permit subject to eight conditions and the removal of condition number 2. Jeffrey Lucas seconded. The vote was unanimous. The motion passed.

2.) Definitive Subdivision – Gus Pinto, Jr. - Washburn Avenue

William Roth – There are a number of issues to be addressed. The applicant needs to revise the plan to indicate the correct abutting owners. There have been a lot of inquiries on this project including the impact on drainage and flooding. There should be an engineering and drainage study conducted. This also does not address the waiver requests. The Conservation Commission submitted a letter in opposition to this project and so did an abutter. I recommend conducting the hearing, taking public testimony and having the applicant request a continuance.

Steve Giosa (Sitec Engineering) – The abutters list is incorrect.

William Roth – The assessor doesn't double check. There's a missing lot number based on the assessor's map. They missed lot 30A entirely. The assessors wouldn't pick that up.

Steve Giosa – We had the wetlands mapped. We had an on site walk with the Conservation Commission. They suggested minor changes with respect to wetlands flagging. We will provide a final delineation plan. There are already a number of houses on the street. There's a flood plan that runs diagonal through the property. The applicant wants to erect a single-family home. What level of street improvement does the board want? There is a concern about widening the road due to flood issues. The applicant is in favor of that. He also wants to keep this a low impact project.

Wesley Wood (abutter) – There's a serious drainage problem. Where will the water go once it's there? How can they engineer that?

Angela Barlow (abutter) – The water table is always at top level. There is standing water in there. If he builds this, where will it go?

Steve Giosa – We agree with the Conservation Commission's delineation of the wetlands on the property.

Kathy Lopes (abutter) – I'm the largest abutter. It appears this will flood into my land and I'm concerned. Drainage is an issue. This project will cause a worse problem as far as that goes.

Ken Stevens (abutter) – This is an abnormally dry year. So, they're picking a good time for a walk through. People want to see the drainage problem fixed.

Ronnie Schrader (abutter) – Water is a problem on this road. It's not normal. Rain just sits there and overflows. I have to pump my basement all the time.

Thomas Bourque (abutter) – The gullies from the water aren't shown on those pictures. It's been a very dry season and you can still see water. That's how wet it can become. Drainage has to be addressed.

Richard Flood (Engineer for Kathy Lopes) – The future building and grading around the building on the lot will drain right into Kathy's property. We'd like to see drainage calculations and stormwater management studies done.

William Roth – This is a flood control issue and I recommend stormwater management be required of the applicant.

Muriel Mindle (abutter) – I support what my neighbors are saying. This would create a problem for me.

Joseph Taylor (Associate, Conservation Commission) – We did a site walk and it's incredibly wet down there. If they widen the road, they will be encroaching on wetlands. The commission is against it. Also, there are concerns with groundwater and wetlands replication. The water has to go somewhere. We've only agreed on wetlands flags.

Steve Giosa – It comes down to what you want for a road width. You should look at it. We're aware of flooding issues and that we have to mitigate them.

James Holmes – I thought we told him not to widen the road.

Steve Giosa – I thought you were looking for a uniform width.

Wayne Hayward – Is this a private street?

William Roth – It's a paper street.

Wayne Hayward – Does it meet uplands requirements?

William Roth – It is an existing lot that pre dates that section of the code; therefore, it is grandfathered on that requirement.

Wayne Hayward – I don't have a problem with a narrow road. The developer should fix any drainage issues. But he will have to go past the property line to do that. I can't support it.

William Roth – To clarify, I believe the BPW plows, and will occasionally add gravel and grade the street.

Wayne Hayward – The BPW is not in favor of dirt roads.

Jeffrey Lucas – It's too much to ask to have one property owner fix this drainage problem.

Marinus Vander Pol – We're looking for improvement.

Joseph Taylor – Can you notify the Conservation Commission of any decision?

Marinus Vander Pol – There's been no vote taken. Your agent needs to talk to our Planner.

Thomas Bourque – I recommend that the Board come down to look after a rain.

Gary Staffon – I'm not that opposed to an 18-foot road width.

Wayne Hayward motioned to continue the public hearing to April 25, 2006. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

3. Rezone – Mariner Youth Soccer – Akin and Stone Streets

William Roth – There was an issue with the abutters list. I've identified several issues including the Open Space Restrictive Covenant, doubling the density doesn't comply with the Master Plan, a restrictive covenant of all the property owned by Mariner and a secondary access. The Police Chief and the BPW are against this proposal. I recommend the Planning Board not recommend this rezone to Town Meeting.

Attorney Matthew Thomas (for Mariner Youth Soccer) – We are looking at just a re-zone tonight for potential use. Mariners is looking to put a covenant on half of the property. This will preserve a substantial piece. The Planning Board allowed a dense proposal across the street, much more dense than our proposal. The Planning Board has approved subdivisions and rezones contrary to the Master Plan, which by the way, is only a guide. This, by law, is not spot zoning. Traffic is a concern, but it is with other subdivisions as well. This is on a straightaway. With respect to sewer, there was no issue on the plan across the street. We're asking to restore parcels to where they were before 1970. This will allow Mariners to achieve some financial stability.

Attorney Andrew Saunders (for Mariner Youth Soccer) – Mariners started in 1978. In 1985, we reached an agreement with Mr. White to lease the property. In 2001, we bought the property from Mr. White. The club could not pay off the note. In 2003, we went to a conventional lender. 42 per cent of the players are from Fairhaven. There are between 1400 and 1600 kids involved. Revenue comes from dues, which generates about \$80,000 a year. The club made a decision to sell off some of the land to help pay the note. The restrictive covenant is not practical and not conducive to providing collateral for the note.

Wayne Hayward – Is Mariner a non-profit?

Attorney Matthew Thomas – Yes.

Wayne Hayward – And only a non-profit can put up a 40B?

Attorney Matthew Thomas – Not if the for profit group is a partner with the non-profit.

Gary Staffon – Did White's have any covenants with regards to recreation use.

Attorney Andrew Saunders – No.

Cora Pierce (Friends of Nasketucket) – We're adamantly opposed to this re-zone. They are not good stewards of this land. They've already sold a piece. Now they want to sell this. There are numerous endangered species on the land. The traffic concerns are too numerous to list. Stone Street is not accepted. This is not in the best interests of the town and its residents. We would like a title search and a traffic study performed.

Attorney Matthew Thomas – Re-zoning from 30,000 to 15,000 affects none of what she said without a subdivision plan before you. Nobody knows what's being proposed. Even at 30,000, those issues would have to be addressed. The only issue is going from 30 percent to 50 percent. Does the rezoning serve the town's best interests?

Sallah Matteos – This is a sacred site. It shouldn't go at any time for any reason.

Edith Silva – If there's no plan, why not leave it alone and come forward with a plan so we can vote it down then?

Fran Lopes – They're comparing different parcels of land. We're concerned with this one. It was always to have been preserved.

Attorney Matthew Thomas – We said we are going to put up single-family housing.

Fran Lopes – Wouldn't this give you leverage to come back? I'd like to see something.

Attorney Matthew Thomas – There is no plan right now. The plan will depend on things that are going on right now. We're just going through the public process. All this changes is the size of the lots.

Linda Gallant – They're talking about the impact on the Town and incurring more debt to enhance the property. The traffic on Bridge Street is horrendous. The police are aware of this. A re-zone is just a springboard for future plans.

Henry Ferreira – It's a bit disingenuous. They could build more houses on the property. The Board needs to protect the Town. We need to keep what we have.

Marinus Vander Pol – I want to see Mariner succeed. But I don't think I've been given the tools to cast an intelligent vote. I'm missing an approved wetland line and upland calculations as well as the density for 30,000 SF vs 15,000 SF.

Joe Sylvia – I want to see them planting more trees and get a police detail there. More houses won't help.

Christina Ramos – I want my kids to be exposed to nature like I was. There's not much left.

Attorney Matthew Thomas – This is private property. We're here to get the Planning Board to recommend a re-zone to Town Meeting. Those are all valid issues for a subdivision, not a re-zone.

Wayne Hayward – This developer is not playing games and this is not spot zoning. However, I have a problem with the covenants. The town doesn't have the protections in place. 100 units in 1 year is a lot of growth and we can't handle it.

Gary Staffon – I won't recommend this to Town Meeting.

Attorney Matthew Thomas – We might agree to a 20,000 sf lot covenant.

Marinus Vander Pol – I'm disappointed that they want us to vote in the dark.

Attorney Matthew Thomas – Let Town Meeting decide.

Marinus Vander Pol motioned to not recommend the re-zone to Town Meeting. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

James Holmes motioned to adjourn at 10:25 p.m. Marinus Vander Pol seconded. The vote was unanimous. The motion carried. The meeting was adjourned.

Respectfully submitted,
James Pelland, Secretary to the
Planning Board