

PLANNING BOARD MEETING OF JUNE 26, 2007

PLACE: TOWN HALL BANQUET ROOM

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

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present – All Members Present

Planning Director William Roth was also in attendance.

B. Planning Board Bills –

1) Staples - \$361.58

Timothy Cox motioned to pay this bill. Marinus Vander Pol seconded. The vote was unanimous. The motion passed.

C. Receipt of Plans – None

D. Approval of Plans -

1.) Form A – Oliveira/Schwelm/Connor – 21 James Street

William Roth – I had them put it on 2 sheets to make the intent of the plan clear.

Marinus Vander Pol motioned to approve the Form A. Albert Borges seconded. The vote was unanimous. The motion passed.

F. Other – A brief discussion ensued regarding various zoning issues and subdivision regulations.

II. PUBLIC HEARINGS

1.) Definitive Subdivision – Barbara McCoy – 307R Wigwam Beach Road (continued from 6/12/07) Marinus Vander Pol abstained. Dennis Vello cannot vote because he missed a meeting.

William Roth – It appears that the roadway was approved previously in 1997, with 16 foot gravel width and drainage swales. It appears the survey may have been inaccurate. The board may want to require a condition of approval and look at any appropriate measures as far as drainage goes. The new plans identify the sewer connection. The waiver list needed to be revised and it has been. They are obtaining an easement to address the water line issue and they are requesting one. The different Town departments have made comments as they deem appropriate. Some did not. The Fire Department continues to recommend disapproval. The DPW has outlined their concerns in the memo that I have enclosed. If you so choose, I have prepared some conditions of approval that have addressed some of the issues brought up in the hearing and they are listed on my memo. Some of them are standard conditions. There is a condition regarding the Chase Street easement issue. There is one regarding the drainage issue. There is a condition regarding deed restrictions as well as private sewer. The rest are fairly standard.

Attorney Matthew Thomas (for the petitioner) – All of the conditions are acceptable to Mrs. McCoy. We do not want to disturb the stone wall. There is an issue with regards to maintenance. We have essentially set up a maintenance agreement. We have had some negotiations with the neighbors and Mrs. McCoy will be giving up certain things. With regards to drainage, the Planning Board approved this with the drainage pipe going underneath the road and onto the Hebert lot. The drainage area was filled in and needs to be returned to its original state. Mrs. McCoy intends to build the road at the same time that construction is happening. That would reduce the cost of repairing the way more than once. She will need to go through the proper channels. She was one of the persons that paid for sewer. The water issue will be addressed. Mrs. McCoy is on a fixed income in retirement. That is the reason she is subdividing this property. So she can access the funds. We believe we have satisfied the waiver requirements. There is a wetland situation there.

Gene Manzone (abutter) – How wide will the road be?

Attorney Matthew Thomas – As wide as possible.

Gen Manzone - Sixteen feet?

Attorney Thomas – I don't think that's possible in all locations.

Gene Manzone – So, we're talking about five families living on a 12 foot road?

Attorney Thomas – We will get it is as wide as possible.

Gene Manzone – The fire chief doesn't like that.

Attorney Thomas – He doesn't like it because it's a gravel road.

Chairman Fleurent – This Board did approve a 16 foot gravel road.

Timothy Cox – It was a different Board back then.

Chairman Fleurent – That has nothing to do with it. We should be talking about the new hammer head and the extension. This Board approved it.

Attorney Thomas - We will work together with Mr. Roth and the BPW to get the road as wide as possible.

James Holmes – Will the swale start from Sconticut Neck Road and handle the drainage?

Attorney Thomas – That is my understanding, and the hammer head will be at the end of the road.

Chairman Fleurent – You're going to run a water and sewer line down Wigwam?

Attorney Thomas – They will come from different sides of the road. That's part of the maintenance agreement.

Gene Manzone – When it was approved in 1997, wasn't it approved as a 16 foot road?

Chairman Fleurent – I can't answer that.

James Holmes – Who imposed the 12 foot waiver?

Chairman Fleurent – The Board did.

James Holmes – What does the engineer say now?

Attorney Thomas – He says that if we can go beyond the 12 feet, we will. We will go as wide as we possibly can while maintaining the drainage swale.

Gene Manzone – It's been ten years. It's all wrong.

Attorney Thomas – We're creating a new road. There is a drainage issue. It needs to be addressed. With regard to the roadway, we will make every effort to maintain it to the best of our ability.

Gene Manzone – Here is the 1997 layout showing 16 feet.

Attorney Thomas – The DPW approved it. We're just adding one more home to this road. The four houses on that road represent an existing situation. We are committed to addressing the drainage issues.

Timothy Cox – I asked the Fire Chief why he was opposed to this. He had issues with how his trucks would turn around on a 12 foot road.

Attorney Thomas – This Board has approved similar situations in the past. The Fire Chief doesn't like gravel roads. He wouldn't be doing his job if he did.

Albert Borges – I think the Fire Chief is flip-flopping on this.

Gene Manzone – I don't have a problem with the gravel. Let's widen the road to 16 feet. Let's do it right. We have always maintained that road. Give us what we deserve.

Attorney Thomas – We have to build the road back up. If there was 16 feet of width to build that road, we would have done it. We can't do 16 feet because of the drainage swales.

Wayne Hayward – This isn't a legal issue, it's an engineering issue. I'm agreeable that this is going to be a variably width road. It might be a better idea to hook into the drainage swale.

Attorney Thomas - Manzone Drive would only be used for emergency purposes. But it needs to be maintained for that purpose. I also have no problem with a condition that makes us hook into that drainage swale.

James Holmes – What kind of agreement would there be regarding the maintenance of this road?

William Roth – It's addressed in condition number 13.

Attorney Thomas – It will be thorough, addressing all potential issues.

Gary Staffon – I feel that the language regarding the maintenance should spell how when and how it is to be maintained.

Attorney Thomas – We can submit proposed drafts. I have no problem in setting this up. They've got to know what they're buying into.

Wayne Hayward – We need someone who is committed to the road. The Town should get involved. Putting the onus on two families that may or may not know about maintaining a road is wrong.

Attorney Thomas – The board will have input into this. If Mr. Manzone and Mr. Hebert want join

the association. That's fine.

Timothy Cox – I'm still stuck on this 16 foot road.

THERE WAS A POWER FAILURE THAT DELAYED THE MEETING FOR A FEW MINUTES.

More discussion on the subdivision occurred.

Mr. Borges motioned to approve the subdivision with the 23 conditions identified in Mr. Roth memo; with the discussed modifications to conditions #5, #12 and deleting #18. Seconded by Mr. Hayward. Six voted in favor. Those in favor: Raymond Fleurent, Albert Borges, Wayne Hayward, Gary Staffon, James Holmes, and Timothy Cox. Those in opposition: None. Abstained: Marinus Vander Pol and Dennis Vello. Motioned Passed

2.) Special Permit – Cottages/Knowles Landing – 267 – 271 Huttleston Avenue (continued from 5/22/07)

William Roth – Presented his report.

Wayne Hayward – Discussed issues with the gravel road to the bike path.

Robert Karam – Felt that improving it to a full paved road was not needed.

William Roth – discussed the need for all sidewalks to be cement concrete.

Robert Karam – discussed how asphalt sidewalks are easier to maintain especially with snow and had an issue with the cost.

The Board discussed the sidewalk issue and the conclusion was that the sidewalks on the internal loop road could be asphalt; however, all external sidewalks will be cement concrete.

Chairman Fleurent – opposed the fire assess.

William Roth – explained that the access was a secondary emergency access and not the primary access.

Additional discussion of the fire access occurred.

Marinus Vander Pol – liked the reduced width of the internal loop road.

The Board was pleased with the progress the developer was making in addressing their concerns.

James Holmes motioned to continue the hearing to July 31, 2007. Seconded by Mr. Timothy Cox. Vote was unanimous.

3.) Special Permit – Marion Pediatrics-Phase 2 – 404 Huttleston Avenue

William Roth – Reviewed his report.

Kenneth Ferreira – Reviewed the history of the property and discussed that the proposed addition was for visitation doctors from Boston. He also went item by item addressing Mr. Roth's report.

Chairman Fleurent – How many employees' are there?

Dr. Khoury – five full time employees, 3 part time and 3 doctors.

Wayne Hayward – Discussed the loss of green space and that it appeared that this was maximum build out.

Kenneth Ferreira – The proposal is 66% lot coverage and 70% is code maximum.

Wayne Hayward – Asked drainage questions and discussed traffic.

Elizabeth Pye – employee and Fairhaven resident spoke in favor of the project.

Kenneth Ferreira – Gave a detailed explanation of the addition – 1st floor was an entry way, 2nd floor was for files and exam rooms.

William Roth - Discussed issues with parking and drainage.

James Holmes motioned to continue the hearing to July 31, 2007. Seconded by Mr. Timothy Cox. Vote was unanimous.

Marinus Vander Pol motioned to adjourn. Seconded by Gary Staffon. The vote was unanimous in favor. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

James Pelland, Secretary
To the Planning Board