

PLANNING BOARD MEETING OF APRIL 10, 2007

PLACE: TOWN HALL MEETING ROOM

Meeting called to order at 6:30 p.m. by Chairman Fleurent

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present - James Holmes

Planning Director William Roth was also in attendance.

B. Nomination of Officers

Albert Borges nominated Raymond Fleurent for Chairman. Marinus Vander Pol seconded.

Gary Staffon nominated Marinus Vander Pol for Vice Chairman. Albert Borges seconded.

Albert Borges nominated Wayne Hayward for Clerk. Gary Staffon seconded.

Albert Borges nominated Raymond Fleurent as Planning Board representative to SRPEDD. Marinus Vander Pol seconded.

All nominations were declared closed by the Chairman. All votes were unanimous in favor.

C. Acceptance of Minutes

Marinus Vander Pol motioned to accept the minutes to the March 13, 2007 meeting. Dennis Vello seconded. The vote was unanimous. The motion passed.

Marinus Vander Pol motioned to accept the minutes to the March 27, 2007 meeting. Dennis Vello seconded. The vote was unanimous. The motion passed.

D. Planning Board Bills -

1.) Southcoast Media Group - \$483.00

Planning Board - \$80.50

DesRoches/Oliveira - \$241.50

Omnipoint - \$161.00

Marinus Vander Pol motioned to pay each of these bills. Timothy Cox seconded. The vote was unanimous in favor. The motion passes.

2.) GAF Engineering - \$600.00 – Subdivision Regulation drawings preparation

Marinus Vander Pol motioned to pay this bill. Gary Staffon seconded. The vote was unanimous. The motion passes.

E. Receipt of Plans -

1.) G. Bourne Knowles – Winding River, LLC

Gary Staffon motioned to set the Public Hearing on this matter for May 22, 2007. Timothy Cox seconded. The vote was unanimous. The motioned passed.

F. Approval of Plans - None.

G. Other

1.) Beals and Thomas, Inc. – NSTAR – Land Owned on Doane Street

William Roth – This is not a hearing. This is for information only to show you the way they're going on this.

Eric Bazzett (Engineer) – We talked about creating some lots at Doane Street. This is a 3 ½ acre parcel. We would like to file an ANR and donate the excess land to the Town as open space.

William Roth – I feel that the way is not adequate and will require a subdivision to be filed. There is a provision in our new subdivision regulations for the development of paper streets that aren't up to current standards.

Gary Staffon – Maybe we can work with them on improving the way. Once it's improved, I don't see a problem with the ANR.

Chairman Fleurent – If it were only one home, I could see an ANR. But there are three homes. Under our new regulations, it has to be a subdivision. That's my feeling.

William Roth – The only way to assess a road standard under state law is through a subdivision. That's my reading of it.

Dave Medeiros (abutter) – I have a concern with that property. There is an entire drainage system that exists on that property. If it is disturbed, I have huge concerns about the water that goes on that property. There are also some huge electrical cables that go through that property, which could lend itself to contaminated ground water.

Wayne Hayward – I don't think we could accommodate use under the ANR process.

Wayne Hayward motioned that the board encourage the applicant to follow the subdivision route. Gary Staffon seconded. The vote was unanimous. The motion passes.

2.) Shannon Meadows – Residents – Removal of "Chicaine" (Traffic Island)

William Roth - The person who sent the letter is not here nor is anyone else from Shannon Meadows.

Wayne Hayward – Did we research the accident reports in the area?

William Roth - We did. I have an 8 page listing of any police reports filed for Oliver Street and there was nothing on there to do with the chicaine. I believe that in order to make a modification, you have to go through the same process that you did before, which was the subdivision process. That would be expensive, cumbersome and time consuming. I also don't think you have the authority to waive the requirement under state law.

Timothy Cox – We said we would give it a year. When is that up?

Dennis Vello – July.

Gary Staffon – I applaud the developer on the job he did on Shannon Meadows and I thank him for coming here tonight.

Timothy Cox motioned to accept the chicaine as is. Dennis Vello seconded. The vote was unanimous. The motion passes.

II. PUBLIC HEARING

1.) Special Permit – Omnipoint Communications, Inc. – 427 Sconticut Neck Road

William Roth – The applicant’s attorney was originally going to ask for a continuance and request that no testimony be given. But because of the number of people in the audience, I will read my report (reads report).

Attorney Joseph Giammarco – I will be requesting a continuance to some time in June. We are proposing to construct a 150-foot tower with additional antennae space for two carriers. An 8-foot high stockade fence will surround it. We would like to seek an alternate run of utilities since Grover Street is a paper street. I don’t have the photo simulations.

Elisha Mogutu (engineer) – We are proposing to provide coverage to the area of the map that doesn’t have it. We can’t use the water tower and we can’t lower the tower.

Gary Staffon – Why is the water tower not available?

William Roth – The BPW didn’t give a reason on their letter to T-Mobile. It’s their policy. There are security issues. They might want to revisit the issue. It’s a revenue generator.

Wayne Genereux (abutter) – I’m against this. I have a letter/petition signed by a number of abutters. I’m getting a usable signal. I see no need to increase it.

Anne Corrigan (abutter) – Don’t they need permission from us?

William Roth – To cross the Town owned parcel and use the paper street they would need permission from the Town and the two abutting owners of the paper street.

Anne Corrigan – They’ll never get my permission.

Albert Lees (abutter) – Is there any place that you don’t need a setback waiver?

Attorney Joseph Giammarco – We’re just doing this for informational purposes.

Marie Baccelli (17 Grandview) – Enough is enough for that 3 street neighborhood. I’m also concerned about potential health issues.

Attorney Joseph Giammarco – We have to operate by FCC guidelines.

Gerry Cavana (abutters) – This could affect the animals there as well.

Lorraine Medeiros (abutter) – This is a residential area. Why do we need cell phone coverage in the first place?

Attorney Joseph Giammarco – The government requires that T-mobile complete their coverage per their license.

Joe Sylvia (abutter) – This is a revenue generator. There are other areas that are Town owned to

possibly put this; the sewerage plant on West Island and Hoppy's Landing. Why doesn't the Town take this and grab this money.

Mairnus Vander Pol – I can't understand why public works won't do this on the water tower.

Lauren Francis (abutter) – Do they still need to come before you for a special permit?

Chairman Fleurent – Yes.

Mark Viveiros (abutter) – Why don't they set it back more?

Chairman Fleurent – They know they made a mistake with the set back. They will modify the plans and come back.

William Roth – They've picked one of the closest locations to the residents that they possibly could.

Janet Rose (abutter) – This is right in our back yard, directly in back of my house.

Marie Baccelli – They could go back acres and it's still the same height.

Carolyn Wingate (abutter) – I would not have bought down there if there had been a cell tower there.

Sally Aranjo (abutter) – I use my cell phone as my home phone.

Albert Borges – They're unprepared and will go back and study this again to try to satisfy everybody.

Wayne Hayward – They're trying to provide gap coverage. This isn't a small device. There are different types of set backs in this town. Fairhaven has a good bylaw on this and has issued permits to other providers. We do not discriminate. We also have to protect our residents and we do that through proper setbacks. We could deny this. But I'm willing to work with the developer if the Board is. So, it's back to the drawing board.

Marinus Vander Pol – For the benefit of the neighborhood, would the FCC require a public hearing without the existence of our code?

Wayne Hayward – We are not allowed to deal with the health issues.

Attorney Joseph Giammarco – At this time, I will repeat my request for a continuance.

Marinus Vander Pol motioned to continue the Public Hearing to June 12, 2007. Timothy Cox seconded. The vote was unanimous. The motion passes.

Marinus Vander Pol motioned to adjourn. Gary Staffon seconded. The vote was unanimous. The meeting was adjourned at 8:00 p.m.

Respectfully submitted by

James Pelland, Planning Board Secretary