

PLANNING BOARD MEETING OF APRIL 29, 2008

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 – None

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes – None

Marinus Vander Pol motioned to accept the minutes of the March 26, 2008 meeting as amended. Gary Staffon seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills – None

D. Receipt of Plans - None

E. Approval of Plans – None

## **II. PUBLIC HEARING**

1.) Special Permit – CCI Energy, LLC – Off Arsene Street (Continued from 4/22/08)

Chairman Fleurent – We had a report back from the petitioner regarding the questions the audience had.

William Roth – I have provided copies of some of the documentation that I received since the last meeting.

Chairman Fleurent – It is now time for the Board to ask any questions.

Wayne Hayward – The data was taken in the morning. Is that correct?

Jim Sweeney (CCI Energy) – Yes, and it is a worse case scenario.

Wayne Hayward – I can sympathize with the abutters with some of these issues. The concern is with this project. I have had reservations. This is a large turbine as it relates to the size of the Town. It is 100 meters overall. It is a huge structure. I wish we had a bylaw that restricted the heights more. But we're not there. Town Meeting has gone along with the regulations and has pretty much approved this. But there are issues. If it was up to me, I would compensate all of the abutters who will be affected by this. The shadow flicker will be an issue. I don't know who will address the complaints. I think the Town is on the hook here. I hope we can get through all this. For whatever reason, people feel we need this project. I have a lot of concerns.

Chairman Fleurent – The bylaws are clear. We compared them to those across the country. The flickering is one of the most important things. But I don't know how bad that is.

Wayne Hayward – It's annoying, especially if you're stuck with it. It's an aggravation.

Timothy Cox – I thought these things were made to collapse on themselves.

Jim Sweeney – The likelihood of the tower stretching 400-feet, if it fell, is not high.

Timothy Cox – Can you put guide wires on these?

Mr. Simon (Applicant's Engineer) – They're made to be self-supporting.

Timothy Cox – Is there anything that people can do to help with the flicker?

Jim Sweeney – Yes. You could close the shades if you're in the house. You could plant some trees to block the shadows. But there's no guarantee that any of that will help.

Wayne Hayward – This bylaw does not prevent them from building on new lots. I've got the sense that was what some people were worried about. I also have questions about the road leading to the site. We want to control speeding. It's near the Bike Path.

Jim Sweeney – Conservation has asked us to do some planting. We will only utilize that road for maintenance. Public Works will probably use it. The gate to the back is locked. That's the recycling center.

Chairman Fleurent – Once this is built, vegetation will grow. DPW will do what they have to do to make it look good. How often do they do a check on things?

Mr. Simon – Once a month.

Jim Sweeney – At first, we'll probably do it weekly.

Timothy Cox – Who will be held responsible and notified if there is a problem?

Jim Sweeney – Various local forces as well as the manufacturer.

Albert Silva – How many projects have you been involved with?

Jim Sweeney – This is my first wind project.

Ken Pottell – We are new to this and there are lessons to be learned. If this doesn't work out, everyone is on the hook. This is a small town and the impact is double. All of these issues brought up here are real.

Henry Ferreira – The fatal flaw in this project is the setbacks. Why wasn't the U Mass Study Team used? Mr. Sweeney never really answered why. Other Towns were eliminated in that study and they would have eliminated Fairhaven. Properties close to this will become worthless. It's obvious that this will have an impact on properties values.

Antone Beatriz – I want to personally invite anyone on the Board down to my property so that you can see what we're talking about.

Barbara Asksen – Why are we doing something that is a potential sound situation that could keep people up at night? It is a health problem. What about insurance? How will these people be protected?

Anne Dinardis – The purpose of the regulations is to protect the health and safety of these people. There will be health consequences. How will this board protect them? How will they be compensated?

Chairman Fleurent – The purview does not lie with this Board. Our job is to make sure the

petitioner lives up to the regulations. All of the things you mention come into play after the fact. We can't tell what is going to happen.

Mary Vander Pol – What is the Board of Health saying?

Gary Staffon – They find no serious issues. But they are open to any future issues that may arise.

Wayne Hayward – A lot of this is scary and most Town Boards have no experience with it. But there has been a lot of public and government scrutiny on this. It can't be as bad as what we're all envisioning. It's probably not as good as they are saying either.

Daniel Dinardis – The Finance Committee had concerns about the contract itself. The amount of money we're going to be getting for this project is not enough. You need to be cautious. Who is willing to speak up on this? Or are you willing just to sit back?

John Methia – Some questions from last week have not been answered with regards to guide wire bases and strobe lights. Please take the time to go to Mr. Beatriz's property prior to voting. We're not going anywhere.

Jim Sweeney – The FAA mandates the strobe light. With regards to the guide wire base, there is one guide wire within the fall zone; however, the radio tower will still stand if one of the three guide wires were severed.

Albert Borges – I have had the light on that camera flashing at me for over an hour and a half and it doesn't bother me.

Joyce Pottell – I have researched this. Birds are harmed. It affects the elderly and children. Don't let this be Fairhaven's folly.

Wayne Hayward – Can we come up with some better names?

Jim Sweeney – You can come up with a name. It's up to the Town.

Gary Staffon motioned to close the Public Hearing. Albert Borges seconded. The vote was 7-1 in favor. (Marinus Vander Pol opposed). The motion passed.

Timothy Cox motioned to continue to May 13, 2008. Wayne Hayward seconded. The vote was 7-1 in favor (Marinus Vander Pol opposed). The motion passed.

Gary Staffon motioned to adjourn. Timothy Cox seconded. The vote was unanimous in favor. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

James Pelland, Secretary  
To the Planning Board