

PLANNING BOARD MEETING OF MAY 13, 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.

B. Acceptance of Minutes

1.) April 22, 2008

Albert Borges motioned to accept the April 22, 2008 minutes. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

2.) April 29, 2008

Albert Borges motioned to accept the April 29, 2008 minutes. Albert Silva seconded. The vote was unanimous in favor. The motion passed.

3.) May 3, 2008

Albert Borges motioned to accept the May 3, 2008 minutes. Albert Silva seconded. The vote was unanimous in favor. The motion passed.

C. Planning Board Bills - None

D. Receipt of Plans - None

E. Approval of Plans - None

F. Street Acceptances

1.) McKensie Lane

The Board signed the mylar.

2.) Stoney Cove Terrace

The Board signed the mylar.

II. OTHER

-Discussion about support of Housing Authority HUD 202 application.

Timothy Cox motioned to send the letter. Albert Silva seconded. The vote was unanimous in favor. The motion passed.

1.) Special Permit – CCI Energy, LLC, Off Arsene Street (Mr. Vander Pol is not participating.)

William Roth – I have drafted a set of conditions. There are Fifteen (15). I included the condition regarding creating a standard for repaving the bike path. It's a modified road standard. That's my summary.

Chairman Fleurent – (to the petitioner) Are you agreeable?

Jim Sweeney – Yes.

Wayne Hayward – Why the rush to vote tonight? Thought we would create a set of findings.

William Roth – My initial report had findings.

Gary Staffon – I have some conditions. Abutting homeowners should be compensated by getting a lower electric rate. They also should have to put up a \$1 million bond. The lease that they are paying for land should go up from time to time.

Chairman Fleurent – None of that is within our purview.

William Roth – Our code covers your second condition with regards to a bond for removal.

Gary Staffon – But there is no dollar figure. I also think they should be made to purchase 50 trees a year since they are destroying so many trees. They can put them anywhere in Town with the consultation of the Town Planner and the Tree Warden.

Jim Sweeney – We have a botanist who works with us and we would place them one for one. The contract isn't for a fixed dollar amount. It goes up from time to time.

William Roth – Regarding the bond, you can look at that. We typically get an estimate prior to putting it in place. We would need to figure out the cost of the bond. You can put a condition in there and quote the code.

Jim Sweeney – It's already in our agreement with the Selectmen.

Albert Silva – Who is responsible for the turbines, if CCI goes out of business?

Jim Sweeney – A third party financier.

Timothy Cox – Three of us went to Hull last week and did some research. Only one family said they had problems. Their answer to us was that they just didn't like them. Nobody said anything really bothered them.

Wayne Hayward – We've only been at this for 21 days. I'm still looking at this. I'm concerned about how it affects the Bike Path. We should be making a complete set of findings. All the information needs to be summed up. Is there more we can do? I think some of the homeowners should be compensated. We want to make sure we do this right. I don't feel comfortable voting.

Gary Staffon motioned to make the bond issue a condition. Timothy Cox seconded. The vote was 7-0 (Marinus Vander Pol abstains) in favor. The motion passed.

Gary Staffon – What about the tree issue? How about 25 trees? How about \$12,000.00 for trees?

William Roth – As a municipality, our laws with regards to monies are so that I would advise you not to go down that path to require payment. There are so many issues not thought out.

Gary Staffon – I'm looking for 25 trees to the Town to mitigate flicker and that is my motion. Wayne Hayward seconded.

Wayne Hayward – We've only been at this for 3 weeks. I thought we were feeling our way through this.

Gary Staffon – What is our responsibility here? We did our job. Town Meeting accepted it. I'm ready to vote.

The vote on trees was 6-0 (Wayne Hayward and Marinus Vander Pol abstain). The motion passed.

Chairman Fleurent – I don't know what more we can do.

Gary Staffon motioned to approve with order of conditions, including two added conditions. Albert Silva seconded. The vote was 6-1 in favor. (Wayne Hayward opposed. Marinus Vander Pol abstaining)

II. PUBLIC HEARINGS

1.) Special Permit – Lighthouse Bed and Biscuit – 2 – 5 Bridge Street (Marinus Vander Pol abstaining)

William Roth – The application is not much different than the one they submitted at the previous location. They have purchased the property adjacent to the old one. I have a concern with the dumpster location. A variance for the setback of the parking lots was granted and the number of parking spaces proposed is acceptable for the use based on the information submitted. I am supportive of their access easement. The consulting engineer had some issues and they have been addressed. The Fire Chief had issues with access roads on each side of the building as well as hydrant locations and how they may change with sprinkler locations.

David Davignon – This is an 88 room dog and cat motel. We are abutted by the parking lots at AT& T and Foot Joy and vacant land on the other sides. This location has greater access and is within the Mass Highway layout. The building is 10,080 square feet in size. Kennels were built with a lot of the discussion from the prior hearings in mind. Waste will be immediately removed. Frades Disposal has indicated that the dumpster will not be difficult to get at. We want to hide it from the general public. The driveway entrance is 24 feet wide with a cul-de-sac style entry for drop offs. Mass Highway is fine with our curb cut. We just need to provide Town approvals. We are providing 26 parking spaces including handicap spaces, which is in line with other similar facilities. We feel the hydrant is in a good location. The Water Department has reviewed the plan and has asked for some modifications. We have sewer through the existing system and there is an easement for maintaining the line. The building will be heated via natural gas. The gas company needs us to get approval from the Town to continue. Utilities come from the existing utility pole. Drainage meets DEP and Planning Board Regulations. There is an outdoor grassed in area for dog exercise. There is a driveway easement to provide access to the property, to the west. We have provided a landscaping plan, which is very comprehensive. I have brought photographs of our building in Mattapoisett. The landscaper who designed that site is designing this one. We are submitting the same identical building plans as the last one.

Chairman Fleurent – There will be absolutely no access to Narragansett Boulevard?

David Davignon – Absolutely none.

John Rezendes – Will this be soundproof?

Richard Reilly – Yes.

Wayne Hayward – The plans are very thought out.

Timothy Cox – Have you changed the outside kennels since the last application.

Richard Reilly – Yes. They have been totally overhauled.

Albert Borges – Have you passed conservation?

David Davignon – The last public hearing was continued. They appeared to me to be fine with the project. We're back before them next Monday.

Gary Staffon motioned to close the public hearing. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

2.) Special Permit – Omnipoint – 2 – 427 Sconticut Neck Road

William Roth – Before I start, the applicant has requested a continuance. I have told them that if they wanted a continuance, they need to be here in person and that there is no guarantee.

Attorney Joseph Giammarco – We are working on the use of the water tank. DPW may be willing to discuss the possibility. We are beginning a dialogue. We would like some time to pursue the dialogue. In two or three months, we will have a good idea. As such, we are requesting a continuance.

Chairman Fleurent – My concern is the people that have come down here tonight.

Timothy Cox – I would rather see them go the water tank route than hold a public hearing.

Marinus Vander Pol – There are many problems with this kind of thing. I would love to see you work this out. If we continue this hearing, will you re-notify all of these people and pay for it.

William Roth – I would insist that they pay for an entirely new notice and re-advertising if it's not continued to a date certain.

Wayne Hayward – This sounds like an end around against our set back requirements.

Attorney Joseph Giammarco – I'm not trying to avoid the bylaw.

Wayne Hayward – You're not meeting the proper set backs with regards to residential homes.

Timothy Cox – Is the water tank within the set backs?

Gerard Cabana – It's almost in my back yard.

Wayne Genereaux – It's 500 feet from my house and it should be 600.

Marinus Vander Pol – You can locate on the water tower with a special permit and the zoning is for wireless communication services. This doesn't go away.

Wayne Hayward – The purpose is to concern ourselves with the public health and welfare. I want the bylaw to be followed. I think this is lousy planning. They don't want to address the health affects.

Gary Staffon motioned to continue the Public Hearing at the applicant's request, to September 9, 2008. Chairman Fleurent seconded. The vote was 6-2 in favor. (Timothy Cox and Wayne Hayward opposed)

Albert Silva motioned to adjourn. Gary Staffon seconded. The vote was unanimous in favor. The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

James Pelland, Secretary
To the Planning Board

