

PLANNING BOARD MEETING OF June 23, 2009

Place: Town Hall Banquet Room

Meeting was called to order at 6:30 PM by Chairman, Wayne Hayward.

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Not Present – Gary Staffon and Albert Silva

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

Timothy Cox motioned to accept the minutes for the June 9, 2009 meeting. Albert Borges seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills –

1) Fairhaven Neighborhood News - Ad – PB Fees - \$10.50

Timothy Cox motioned to pay this bill. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

2) Staples - Supplies - \$286.66

Timothy Cox motioned to pay this bill. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

3) Refunds - \$6,510.54 (8)

- Bourgault 1,546.83
- Longbuilt 283.04
- CCI Energy 54.00
- Omnipoint-2 352.03
- Ewing 6.00
- Jacintho 1,064.64
- Uncle Bob 1,554.00
- Folino 1,650.00

Timothy Cox motioned to pay this bill. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

D. Receipt of Plans

1) Special Permit – Metro PCS MA - 197 New Boston Road (PH 7/21/09)

Timothy Cox motioned to set the hearing date of July 21, 2009. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

2) Def Sub – Bouvier/Severence/FHA - 249 & 253 Main Street (PH 7/21/09)

Timothy Cox motioned to set the hearing date of July 21, 2009. Joseph Morra seconded. The vote was

unanimous in favor. The motion passed.

E. Approval of Plans - None

II. DISCUSSION:

1) Prelim Subdivision – NSTAR - Doane Street

William Roth – Reviewed his memo and discussed issue of drainage, poor soils, high ground water and his concerns with the proposed 18 waivers to the subdivision regulations. He also reviewed the history of the project and how the State and Town had been in negotiations to purchase the property; however, NSTAR price was too high. However, the Town and State are still willing to discuss a fair price for the property.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – Reviewed the project and the proposed plans and the use of the Low Impact Design (LID).

Raymond Fleurent – Asked about the grass swale being used for the drainage. He felt that a proper street should be put in.

Timothy Cox – Did not like the design using the swales with pipes going under each driveway. His concern was how and who was going to maintain them and if they were not maintained then the drainage system would not work and there would be big drainage problems for the neighbors. Did not see how this was a Low Impact Design but a big impact to the neighborhood. He stated that he would like to see a road that met our standards with proper drainage.

Wayne Hayward – The subdivision regulations do not address LID. He was not in favor of the waivers because they were basically requesting to waive all of the Street Standards. He did not like the design because it pushed the road up against the existing homes to the north and he felt that the existing neighbors would be shocked when they realized where the proposed road was going and how close it was to their driveways and yards. He suggested that NSTAR look at adding additional Right-of-Way on their land so the road could be brought back away from the existing homes. Issues of the existing “Rogers Drainage System”, which is a drainage system that was put in when Mr. H.H. Rogers built his mansion that drains this neighborhood were discussed and photos of the “Rogers Drain” were submitted.

David Mederos – 3 Laurel Street – Had questions concerning the street location and how, if it were built, he would not be able to park in his driveway because his car would be in the road. He discussed the path to the State Park and how it has been used for over 40 years and is maintained by the neighborhood and questioned what rights did the neighborhood have.

Marinus Vander Pol – That type of property rights issue would be a civil issue between the neighbors and NSTAR.

David Mederos – Read a November 30, 1981 letter from Mr. Channing Hayward regarding this property and the “Rogers Drain”. Letter was submitted for the record.

Timothy Cox – Asked if the existing houses had sewer and had to use grinder pumps.

The audience responded that a few homes had sewer and used grinder pumps. In addition, it was mentioned that to put the sewer line in, they had to blast through ledge.

Sally Martin – 26 Doane Street – Had concerns with the path to the State Park and how it could be left in place, or relocated, if this subdivision was approved.

Jim Dugan – 36 Doane Street – Discussed concerns with the proposed road location and how it was only being improved for part of the road and how there was no turn around. Issues of grading, drainage and path rights were discussed. He did comment that if this subdivision was approved a new path should be

provided.

Janice Perron – 28 Doane Street – Asked what type of road was being proposed.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – A 20-foot wide paved road was proposed.

John Perron – 28 Doane Street – Commented that when he built his house that he was required by the Conservation Commission not to pave his driveway and that condition was put on her deed. How can this road be paved? He also asked how much further towards his house was the fire hydrant being proposed to be moved.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – About 5-feet. He also discussed the force main sewer and the grinder pumps.

Marinus Vander Pol – Explained the Conservation Commission requirements and how each project is reviewed.

Timothy Cox – If you went with a traditional design would that move the street in the center of the Right-of-Way?

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – Commented that it would move it away from the existing homes, but that it would involve more blasting to put in the utilities.

Timothy Cox – Felt that the road should be moved away from the neighbors on the north.

Frank Rezendes – 4 Green Street – Discussed how he has lived in the neighborhood for over 50 years and saw the blasting need, because the ledge started 12-inches below the road, to put in the sewer line from the State Park down Doane Street to Green Street. He asked if the development was going to try to connect the sewer into Green Street.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – Commented that there were no plans to do that.

Frank Rezendes – 4 Green Street – Discussed the “Rogers Drain” and how it does exist and provided drainage to the surrounding neighborhood and that water flows out of the drain, which is where one of the proposed houses is going, in all seasons.

David Mederos – 3 Laurel Street – Discussed the “Rogers Drain” and how a section was broken when the adjacent house was built and how his basement flooded, until it was fixed and then the flooding went away. He commented that the drain flows all year.

Marinus Vander Pol – Commented that any future subdivision proposal should take into account the comments made tonight and that he would be looking at mitigation to either keep the path or relocate it and how the “Rogers Drain” was going to be addressed. He also had comments on how the wetlands line was determined.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – We did a standard wetlands line delineation based on vegetation not soils.

Cheryl Dumont – 3 Coe Street – Discussed concerns about drainage and erosion.

Joseph Morra – Asked if there was any way to test for ledge where the houses² are proposed because if there was, then that might make submitting this subdivision useless.

John Perron – 28 Doane Street – Asked about the buried cable and the issue of testing was brought up at the Conservation Commission meeting.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – Believed that the cable was removed but

would check with NSTAR.

Jim Dugan – 36 Doane Street – Discussed that the wetlands line was based on plants and not soils, talked about the type of cable and felt that it was not removed from this site and felt that more information on the cable should be provided as was requested by the Conservation Commission.

Raymond Fleurent – Asked why this was a subdivision and not a Form A.

William Roth – This issue was brought before the Planning Board over a year ago under a consultation and the Planning Board told NSTAR that the road in its current condition was not sufficient and did not provide adequate access for a Form A.

Wayne Hayward – We can vote on this tonight or you could review our concerns and come back on July 21, 2009.

Marinus Vander Pol – Commented that he would like NSTAR to respond to the identified issues that were brought up before he felt comfortable on voting.

Kenneth Conte, Beals and Thomas (engineer for NSTAR) – I will take this back to NSTAR.

Raymond Fleurent motioned to continue this application to the July 21, 2009 meeting. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

III. PUBLIC HEARINGS

1) Town of Fairhaven – Code 306 - Fees

William Roth – Reviewed his report and recommendations.

Wayne Hayward – Asked how the Board felt about the first change to Form A fees.

Raymond Fleurent – Felt that the fee was too much.

Wayne Hayward – What fee do you feel is reasonable? He also noted that there needed to be a fee for adjusting lot lines.

Raymond Fleurent – Felt that a fee of \$100 for Form A to adjust lot lines and \$150 for Form A creating new lot was fair, plus a GIS fee of \$40 per lot.

Raymond Fleurent motioned the \$100 and \$150 Form A figures and \$40 GIS per lot fee. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

William Roth – Felt that making a flat \$500 fee for Preliminary Subdivision as in line with the surrounding communities surveyed.

Raymond Fleurent motioned the \$500 Preliminary Subdivision figure. Albert Borges seconded. The vote was unanimous in favor. The motion passed.

William Roth – Commented that his report did not include a fee for a Definitive Subdivision with a Preliminary Subdivision having been filed and recommend that the fee be \$500 filing fee plus \$100 per lot and that a \$1,000 filing fee plus \$100 per lot for a Definitive Subdivision without a Preliminary Subdivision having been filed. Plus a GIS fee of \$40 per lot.

Timothy Cox motioned the \$500 filing fee plus \$100 per lot for a Definitive Subdivision with a Preliminary Subdivision having been filed and a \$1,000 filing fee plus \$100 per lot for a Definitive Subdivision without a Preliminary Subdivision having been filed. Plus a GIS fee of \$40 per lot. Raymond Fleurent seconded. The vote was unanimous in favor. The motion passed.

William Roth – The remaining fee changes are to Special Permit 1 (SP1), Special Permit 2 (SP2), Rezones, Repetitive Petitions and Street Discontinuances, which are proposed to go from \$100 to \$250.

Timothy Cox motioned to a fee of \$250 for SP1, SP2, Rezones, Repetitive Petitions and Street Discontinuances. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

William Roth – I have found that the engineering deposit of \$1500 is not sufficient and recommend the deposit be raised to \$2,500.

Timothy Cox motioned the engineering deposit be \$2,500. Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

IV. OTHER BUSINESS –

1. Summer Schedule – August meeting

The Board discussed the August date; however, decided to review it at their July meeting.

Raymond Fleurent – discussed if the Planning Board should change the Special Permit Granting Authority (SPGA) for hospitals for the Zoning Board of Appeals to the Planning Board.

William Roth – Pointed out that the SPGA per the code is based on the zoning of the property.

General discussion on the issue ensued.

Timothy Cox motioned to adjourn. Raymond Fleurent seconded. The vote was unanimous in favor. The motion passed. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

William D. Roth, Jr
Planning Director