

PLANNING BOARD MEETING OF March 9, 2010

Place: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Hayward – Opened the meeting at 6:30 PM

A. Quorum/Attendance

Members Present: Chairman Wayne Hayward, Raymond Fleurent, Albert Borges, Joseph Morra, Gary Staffon, Timothy Cox

Members Not Present – Marinus Vander Pol and Albert Silva

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes –

Albert Borges motioned to accept the minutes for the February 16, 2010 meeting. Gary Staffon seconded. The vote was unanimous. The motion passed.

C. Planning Board Bills

1. Albert Borges – Mileage - \$100

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

2. Southcoast Media Group – Newspaper Ad – Rezone Public Hearing - \$151.20

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

II. CURRENT PLANNING

A.. Receipt of Plans: None

B. Approval of Plans - None

Chairman Hayward – Discussed the need to advertize for a recording secretary. He proposed running a 1/8 page ad in the Neighborhood News for 4 weeks.

Timothy Cox motioned to place the ad. Raymond Fleurent seconded. The vote was unanimous in favor. The motion passed.

III. LONG RANGE PLANNING –

1. Green communities Update:

William Roth – Update the Board on the Green Communities grant work. He indicated that if the Board of Selectmen place an article to adopt the Building Stretch Code than he would proceed to work with the Planning Board on potential zoning bylaw amendments for a potential Fall Town Meeting.

IV. PUBLIC HEARING – .

1) Special Permit – Robert Sylvia – 105 Sconticut Neck Road – continued from 2/16/10.

Chairman Hayward – Opened up the continued hearing. He introduced the Board members. He indicated that the applicant had requested to withdrawal the application.

William Roth – read the Town Attorney's opinion that a withdrawal would not affect the court decision and the application could be withdrawn.

Jay Peabody (attorney for the applicant) – Concurred with Town Council and indicated that it was not his clients intent to circumvent the court stipulation.

Gary Staffon motioned allow the withdrawal of the Special Permit without prejudice. Timothy Cox seconded. The vote was unanimous in favor. The motion passed.

2) Rezone – 364 and 366 Huttleston Avenue - continued from 2/16/10.

William Roth – Reviewed his report.

Chairman Hayward – Reviewed the rezone process for those in attendance.

Ken Lipman (attorney for the applicant) – My client would like to keep the zoning as is. The combined square footage of the two lots is 30,000 SF, which exceeds the Business Zone.

Wayne Pacheco – I do not know what the future will hold and I would like to option in the future to do a business. He explained that he was considering a computer consulting business.

Raymond Fleurent – That type of business would be a Home Occupation and is allowed in the RA zone.

Chairman Hayward – How long have you owned the property?

Wayne Pacheco – My wife has owned it for 10 years.

Chairman Hayward – Explained the rezone and Town Meeting process.

Timothy Cox – Is the zoning on the north and other side of RRR Motors RA?

William Roth – Yes

Chairman Hayward – Asked why it had been zoned Business since 1937?

William Roth – Reviewed the zoning plate map and indicated that part of the property was zoned Business in 1937 and the remainder was rezoned Business in 1980.

Raymond Fleurent – Reviewed the history of the site. It was once owned by the East Fairhaven Improvement Association, they got it rezoned and sold it in the 1930's and a vegetable & Ice Cream stand was operated from lots 23 and 24. In the rear of lots 21 and 22 the Town operated a dump from the 1920's to 1930's.

William Roth – reviewed the Assessor's Map and the lots that Mr. Fleurent referenced.

Chairman Hayward – Asked Mr. Lipman how his client would accessed lot 8.

Ken Lipman – She can access lot 8 from Copeland Street, a paper street and through lots 21 & 22.

William Roth – Explained that in years past he had seen plans from Prime Engineering showing the wetlands line and potential lots off of Copeland Street.

William Roth – Reviewed the limitations of the Business zone as it related to the existing houses.

Timothy Cox motioned close the Public Hearing. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

Chairman Hayward – The parcels were bought as residences and it appears to be the intent of residential use. The properties are being taxed as residences. The location is on Route 6 on a dangerous curve and there are concerns with business expanding east along Route 6. I am in favor of the rezone based on those facts.

Gary Staffon motioned to recommend to Town Meeting that Lots 21-24 on Map 34A be rezoned from Business to Single Residential (RA). Joseph Morra seconded. The vote was unanimous in favor. The motion passed.

Raymond Fleurent – Mentioned that the owners had the right to go to Town Meeting.

V. OTHER BUSINESS –.

1) Consultation – G. Bourne Knowles Property –

Chairman Hayward – Reviewed the history of the property and the Special Permit approval.

William Roth – I included the report in your packet for one last review before it is finalized for the Town Report. Are there any corrections or typos with the report?

Ralph Mulford – Reviewed the history of the rezone, the covenant, Special Permit and indicated that it was a lengthy and costly project that was ultimately abandoned by Mr. Karam. As a resident of the Town I always get asked about the project and site. I have been working to find a new use, which I think I have. On August 20th the Conservation Commission Order expires. I have found a developer to develop upscale apartments with amenities such as a pool, tennis courts, paths; however, the developer needs 84 units. To accomplish this I need a vote of the Planning Board to remove the covenant.

Raymond Fleurent – Did you know there is a requirement that no building can have more than 20 units?

Chairman Hayward – I do not think Fairhaven is ready for an 84 unit apartment complex, plus adding so many units and not providing any affordable units, just puts the Town further behind meeting it's 10%.

Timothy Cox – Do you need a vote of the Planning Board and Board of Selectmen?

Ralph Mulford – Yes.

Chairman Hayward – I have an issue with this because there has been no noticed process for such a request.

Ralph Mulford – Discussed the real estate economy and that nothing was selling and that he had a willing developer with financing.

Chairman Hayward – There was a vision of this property sold to Town Meeting by Mr. Karam that was definitely not 84 apartments.

Raymone Fleurent – I have heard enough of this discussion.

Raymond Fleurent motioned to remove the covenant subject to a plan similar to the 84 unit sketch plan presented at the meeting and the covenant release document be held in escrow until a special permit approval is granted. Timothy Cox second.

William Roth – The Board could consider a new covenant instead of a release.

The Vote was four in favor and two opposed. Those in favor Raymond Fleurent, Timothy Cox, Albert Borges and Joseph Morra. Those opposed Wayne Hayward and Gary Staffon

Ralph Mulford – If you do not mind me asking what is your objection.

Gary Staffon – I opposed the original rezone and am not in favor of any apartment zone.

William Roth – Handed out a conference invitation for Healthy Southcoast.

Timothy Cox – Since this would be his last meeting, he thanked the citizens and the Board for working with him on the Board for the last four years.

The Board expressed their gratitude for his time on the Board.

Timothy Cox motioned to adjourn. Gary Staffon seconded. The vote was unanimous in favor. The motion passed. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

William D. Roth, Jr.
Planning Director