

PLANNING BOARD MEETING OF February 8, 2011

Place: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Hayward – Opened the meeting at 6:33 PM

A. Quorum/Attendance

Members Present: Chairman Wayne Hayward, Albert Borges, Albert Silva, Raymond Fleurent, Peter Nopper, Joseph Mora and Jeffrey Lucas. Quorum being present was acknowledged. Gary Staffon was absent.

Planning Director William Roth was also in attendance.

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B. Acceptance of Minutes –

The Acceptance of Minutes of September 28, 2010 was addressed. Motion by Jeffrey Lucas seconded by Albert Silva to accept the minutes. The motion passed.

C. Planning Board Bills -

1. APA Conference – William Roth - \$185.00

Motion by Joseph Mora and seconded by Jeffrey Lucas to pay the bill. The vote was unanimous. The motion passed.

V. Other Business – Voices for a Healthy SouthCoast

Wayne Hayward – I have been asked to take the Other Business item out of order since there are no public hearing items on our agenda and the Voices for Healthy SouthCoast representatives are here.

Wayne Hayward – Introduced the Board

Nancy Bonell and Dawn Nicolson – Introduced themselves.

Nancy Bonell – gave a background description of what Voices for Healthy SouthCoast is.

Dawn Nicolson – Reviewed the draft resolution and addressed how the revised draft she handed out was an attempt to address some of Mr. Roth's comments he had made about the document.

Wayne Hayward – How would this resolution be used?

Nancy Bonell – The resolution is a symbolic public acknowledgement of a common set of ideas that different communities of the SouthCoast have. It is an attempt to put on paper a shared vision.

Wayne Hayward – Expressed concerns with several of the resolution items and how it may or may not be interpreted with regards to the Planning Boards statutorily authority under MGL 40A. He did not want this resolution to be interpreted to bypass any zoning laws or process.

Jeffrey Lucas – A lot of the resolution pertain to the Planning Boards purview; however, some have nothing to do with it.

Raymond Fleurent – Discussed resolution item #8 about discouraging drive thru windows. He likes their

convenience and was opposed to that one.

Dawn Nicolson – We view this resolution as a letter of support for the overall principals of healthy living through design. It is not binding on your zoning. We would hope that as a Board you would consider zoning that encourages these points.

Wayne Hayward – Reviewed each resolution item. Item #8 drive thru windows and item #12 cul-de-sacs were discussed in more detail and concerns expressed.

William Roth – I do not see this resolution document as binding on the Planning Board. I look at it more as a “Feel Good Document” that Voices for a Health SouthCoast is trying to get communities on board with. I feel the Board could sign a revised version that speaks more generally especially if #8 and #12 are revised to not be so specific.

Wayne Hayward – Do you wish to come back with a revised resolution that addresses the issues we’ve discussed?

Nancy Bonell – Yes we would and we will work with Mr. Roth and bring it back for your next meeting.

II. CURRENT PLANNING

- Receipt of Plans: Special Permit – Pasta House Parking (BPW) – 100 Alden Road.

William Roth – Indicated the Board of Public Works was submitting a Special Permit on behalf of the Pasta House for a parking lot addition on the former Sherwood Street right-of-way, which is part of the Alden/Bridge Streets intersection improvement project. Hearing date of March 8, 2011 is recommended.

Motion by Albert Silva and seconded by Jeffrey Lucas to set the Public Hearing for March 8, 2011. The vote was unanimous. The motion passed.

- Approval of Plans: None
- Release of Lots: Torrington Road – Subdivision – Form E release of lots 1, 2 &3.

William Roth – It was discovered during a closing on one of the lots that the covenant had not been released. During my research, it appears that the other two lots had been sold, so I informed the engineer that this had occurred and I would be requesting the Building Official withhold any building permits on the three lots until the covenant release issue was resolved. The Engineer contacted my office and the Board of Public works about inspecting it for release. The BPW has reviewed the subdivision and given its approval to release the lots.

Wayne Hayward – This is a last minute addition and was not on our agenda that was mailed to us. I recommend that it be tabled until the next meeting to give proper notice.

Motion by Joseph Mora and seconded by Jeffrey Lucas to table the lot release request until the March 8, 2011, meeting. The vote was unanimous. The motion passed.

III. LONG RANGE PLANNING – None.

- 1) Draft Wind Energy Facilities bylaw amendment.

William Roth – Reviewed the proposed changes to the bylaw and indicated that the amendment was a small tweak to the bylaw and not a substantial change. It dealt with adding the requirement of a shadow flicker report; several design standards and some additional definitions.

Wayne Hayward – Asked if the guy wire prohibition applied to residential facilities?

William Roth – That was not the intent; however, that should be clarified.

Jeffrey Lucas – Had concerns with proposed Design Standard #16 and the word “reasonable”. How do we review what is reasonable?

Wayne Hayward – Agreed that was too vague.

General discussion occurred on the amendment.

William Roth – I get the sense that the Board does not have any major concerns with this proposal and we could move forward with setting a public hearing. If that is the consensus than I recommend that a hearing be set for March 8, 2011.

Jeffrey Lucas motioned and Joseph Mora seconded to set a public hearing date of March 8, 2011. The vote was unanimous in favor. Motion passed.

2) Draft Solar Bylaw

William Roth – reviewed the proposal. He indicated that this bylaw was part of several steps necessary for the Town to become a certified green community.

Jeffrey Lucas – Indicated that the setbacks seemed excessive and due to lot sizes and configurations may prohibit a solar project from being applied for.

Wayne Hayward – Agreed and ask Mr. Roth what the rational for them was.

William Roth – My original draft has small setbacks; however, my impression with working with the Board is that you all like greater setbacks verses small ones. Therefore, I increased them. However, what I will do is look at other bylaws and indicate what the setback ranges are so the Board can decide.

Wayne Hayward – I do not see any requirement for fencing. These facilities are quite large and can be dangerous. I feel we should require some type of fencing

Jeffrey Lucas – Review the setbacks, maybe different from frontage seen by the public and adjacent to residential uses. I did not see a height limit. Is height an issue with these types of facilities? What about a solar facility less than 250Kvw? The bylaw is silent. Are they permitted or not and should we have site plan authority over them?

William Roth – I wanted to acknowledge that two members from the Sustainable Committee are in attendance and are supportive of the amendment and have been very helpful with the Green communities Certification process. Are there any other issues or concerns? If not I recommend that a public hearing be set for March 8, 2011.

Raymond Fleurent motioned and Albert Borges seconded to set a public hearing date of March 8, 2011. The vote was unanimous in favor. Motion passed.

3) Rezone – 122 & 126 Bridge Street from Business (B) to Single Residence (RA)

William Roth – I included this on the agenda because this past August, the Board approved a Form A at 126 Bridge Street. At that time, the Board discussed rezoning the existing residence from Business to RA. In addition, the Board discussed including the parcel to the west since it was also a residential structure zone Business. At that time I was asked to put it on the Board list when it came time for articles to Town Meeting. Therefore, it is on the agenda for tonight’s discussion.

Wayne Hayward – I remember that discussion. Does the Board want to look at this as a Board initiated rezone? Have the owners been notified?

William Roth – The owner of 126 Bridge Street knows about this because he is a Planning Board member and if you wish to proceed I will inform the other owner of the public hearing and request their input on the proposal. Are there any other issues or concerns? If not I recommend that a public hearing be set for March 8, 2011.

Jeffrey Lucas motioned and Peter Nopper seconded to set a public hearing date of March 8, 2011. The vote was unanimous in favor. Motion passed.

IV. PUBLIC HEARING – None

V. OTHER BUSINESS –

William Roth – Reviewed the additional handouts of miscellaneous correspondence the Board was “CC” on that had occurred since the September meeting. In addition, the Citizens Planner Training Collaborative conference schedule was handed out.

Joseph Mora motioned to adjourn and Jeffrey Lucas seconded. The vote was unanimous in favor. Motion passed. The meeting was adjourned at 8:10 pm.

Respectfully submitted,

William D. Roth, Jr., Planning Director