

PLANNING BOARD MEETING of May 22, 2012: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Wayne Hayward – Opened the meeting at 6:30pm

Quorum/Attendance

Members Present – Chairman, Wayne Hayward, Albert Borges, Frank Budryk, Rene Fleurent, Peter Nopper, Jeffrey Lucas, and Gary Staffon

Members Absent – Joseph Morra

Planning Director William Roth was also in attendance.

Acceptance of Minutes of May 8, 2012

Rene Fleurent moved to accept the minutes of the meeting on May 8, 2012, and was seconded by Jeffrey Lucas. The motion passed by unanimous vote.

Planning Board Bills

Chairman, Wayne Hayward advised there were none.

II. CURRENT PLANNING

Receipt of Plans: None

Town Planner, Bill Roth did advise the Board that he has been talking to a company that is interested in leasing approximately 12,000 square feet of the Applebee's location (near Stop & Shop).

Chairman, Wayne Hayward asked if the use is compatible?

Town Planner, Bill Roth advised it was. He said it was an Ace Hardware Store that was looking to remove 5-6 parking spaces for a lawn and garden area. He advised the Board once he receives the information from them, they can look at it and schedule a hearing date; he said it depends on when the information was submitted, to when the date would be.

Approval of Plans: None

III. LONG RANGE PLANNING

1) Riverwalk Update – Nancy Durfee – SRPEDD

Nancy Durfee of SRPEDD was present to speak to the Board on the Riverwalk update. She brought updated maps and advised the Board they included "little changes". She advised the Board they have received two rounds of technical assistances, 1st was to see if it was actually feasible to build a trail and the 2nd was a \$10,000 grant for a consultant to prepare conceptual rendering drawings, which Gates-Livingstone Associates was hired in March, also an additional \$10,000 for SRPEDD staff time to facilitate meetings, etc.

Ms. Durfee went over the route with the Board. In Fairhaven, along Sycamore, down Veranda Avenue, into Nye Industries (there is a parcel behind Nye Industries that could be used for picnic area, etc.) The route would then follow back on Sycamore to Howland. The South side would be down River road behind the cemetery and would continue to Taber, Cherry Streets, and then to the Ft. Phoenix bike trail.

Ms. Durfee explained the wide band on the maps, is a new change. It has to stay along the riverfront. She explained that both the Buzzards Bay Coalition & City of New Bedford received funding from the Harbor Trustees. There is a date of June 18, for the formal public announcement.

She explained a little bit of the Acushnet vision of a bridge; and how kayaking and canoeing could be done. Considering a 10' wide span bridge span, with a gazebo in the back & the bridge would have people leaning on it or fishing from it.

Town Planner, Bill Roth said it was almost too much for a single span. It would be right at the limits. And that this is just a concept for now, they'll have to work out the detailed design when they get to that point.

Ms. Durfee said that New Bedford chose a site across from Joseph Abboud. New Bedford would be from Belleville Ave toward river with flags, or a gazebo to attract people to the site, and the pathway would continue down river's edge. Part of their design would be a boathouse and dock system. There would be other opportunities to the land owner to sell other places down the river. Perhaps a restaurant in the space.

The Fairhaven site has a lot more of the water, inlet and passive path. NOAA Marsh Island Project (which has nothing to do with us). The bike path will use the access road behind the cemetery and connect to Taber Street with a passive route all the way around Marsh Island.

Town Planner, Bill Roth advised the Board that he & the Tree Warden were meeting this Thursday with the bucket truck to get a bird's eye-view from that area to assist with the perspective renderings.

Chairman, Wayne Hayward asked weren't there restored marsh lines out there?

Town Planner Bill Roth responded, "It was dredge spoils from 70 years ago."

Jeffrey Lucas, Board Member asked if the tower was active and if it was staying?

To which, Town Planner, Bill Roth responded it was.

Chairman, Wayne Hayward asked if there was any access to the water?

To which, Ms. Durfee responded "not from the north side because of the ongoing EPA cleanup".

Board Member, Jeffrey Lucas asked, "On the map, what is the red line on the Fairhaven side?"

Ms. Durfee responded it was a high tide line. The path would be to the other side of that.

Ms. Durfee advised this was a three community project and it was definitely an exciting time.

Chairman, Wayne Hayward thanked Ms. Durfee for the update and for coming to the Planning Board meeting.

In other business, Town Planner told the Board that due to his work load and the short time between the last meeting, he had only a few updates on items 2-5 under Long Range Planning.

#4 Chapter 322 Technical Specification: Chip Seal

Town Planner Bill Roth advised the Board that he hired GCG to do a detail of a sectional/pavement drawing instead of a road profile.

#5. Wind Energy Facilities: Bylaw Review

Town Planner, Bill Roth explained to the Board what issues he saw: height, setback, sound, and flicker; and was hoping interested parties would be willing to discuss these and other issues and provide information so a revised bylaw could be written.

Chairman, Wayne Hayward said there was definitely a lot regarding this topic going on around us.

Board Member, Jeffrey Lucas said that there's talk about recommendations.

Town Planner, Bill Roth said, "Of course, it's ever changing." He also commented on that there are bills before the State Legislature for setbacks, sound; and that their talking about the State taking over the permitting on them. He also stated if we have something ready for a December Town Meeting, new State Regulations might supersede ours.'

Chairman, Wayne Hayward said, " My personal goal is to make sure the Town gets protected."

Town Planner Bill Roth said that the State is dealing with Falmouth right now; and that our turbines are different than Falmouth & Kingston.

Chairman, Wayne Hayward said, "that even if we can't craft our best, we need to get something for protection for the Town."

Town Planner, Bill Roth said there was nothing in the by-law for flicker. He said that sound is very complicated; and that's where we are right now.

Chairman, Wayne Hayward encouraged all Board Members to educate themselves in finding out about wind turbines around our area.

Town Planner, Bill Roth suggested that if any of the Board Members comes across any web links to send them to him, via email and he's keeping a complete 'box' of information so they all stay educated.

IV. PUBLIC HEARING

1. Special Permit – Robert Leidhold-23 Summer Street - WITHDRAWAL REQUESTED

Refund: \$250 Application Fee
\$466.25 - Advertising & Mailings

Town Planner, Bill Roth read an email sent from Mr. Leidhold requesting a withdrawal of his Special Permit without prejudice.

Chairman, Wayne Hayward explained to the Board that sometimes when things change, people reconsider their Special Permit and it's been past custom if the Board wants to refund the money. He feels that, in his opinion, its good practice in business.

Town Planner, Bill Roth explained to the Board they have the means to refund the entire balance. He said they can refund the application fee. The advertising could be refunded through the deposit 89-Account because it was not done correctly by the newspaper. He explained that the Fairhaven Neighborhood News was supposed to run it for two weeks in a row, Beth said it was her mistake that she didn't run it consecutively, so they would have to do it again two weeks in a row anyway. And then they would be able to credit the 89-Account for the mailings, the issue being that he moved forward on the mailings with the consent from the Chairman only vs. the whole Board.

Gary Staffon moved to fully refund the application fee to the applicant, and was seconded by Peter Nopper.

Chairman, Wayne Hayward asked if there was a question on the motion.

Francis Budryk, Board Member asked the Board if the money had already been spent?

Chairman, Wayne Hayward responded, "No. The abutters mailing was."

Francis Budryk, Board Member said, "You said they got refunds in the past?"

Chairman, Wayne Hayward explained that once the public hearing begins, we don't need a vote to have him withdraw.

Town Planner, Bill Roth said, "This is prior to the public hearing."

Chairman, Wayne Hayward advised the Board there are various reasons why people withdraw. He explained that it's not mandated that the Board issue a refund, but again he just thinks its good way to do business in Town. "Just my thoughts," he said.

Chairman, Wayne Hayward repeated the motion that was made by Gary Staffon on the floor, and seconded by Peter Nopper. He called for a vote. The motion passed by unanimous vote.

V. OTHER BUSINESS:

- Jim Pelland Resignation Email

Chairman, Wayne Hayward informed the Board that he received an email from Jim Pelland resigning as recording secretary. Mr. Hayward said that Jim had been with the Board for 8-9 years and that he had been helping out once again for the past year; but this time it was his real/final resignation. The Board thanked Jim for his service, and also wished him well.

- Pattie Pacella – Hiring Recording Secretary

Chairman, Wayne Hayward announced that Pattie Pacella was present to be hired as recording secretary. "Just formalities," he said to have a motion to hire.

Town Planner, Bill Roth said that Pattie was hired by ConCom to be recording secretary as well, and has already worked two meetings with them. "So, I would recommend that we hire her.", he said.

Chairman, Wayne Hayward said that Pattie had experience covering the Planning Board for The Fairhaven Neighborhood News in the past.

Frank Budryk moved to hire Pattie Pacella as recording secretary, Jeffrey Lucas seconded. The motion was passed by unanimous vote.

With the agenda items concluded, the Board discussed other business; Chairman Wayne Hayward advised the Board that he was looking at a study done by the Chamber of Commerce of surrounding communities titled. "*An Analysis of the Permitting Process in Greater New Bedford*". Mr. Hayward said although Fairhaven had numerous "No's", he thought Fairhaven was not behind the eight ball, and was doing a good job in its practices for obtaining permits. He said in the analysis they recommended a more streamline process of perhaps having a 'consultation' type meeting; whereas some people who have property don't know how to develop it, and this type of meeting may help out.

Chairman, Wayne Hayward said, "Personally I don't like those kinds of meetings, but I'd be curious how other towns are doing it." He asked Town Planner, Bill Roth to be the contact person in maybe finding out.

Town Planner, Bill Roth said, "Basically what the Chamber wants is one person to report to, like an Ombudsman. The vast majority of issues are not Planning Board issues, and that person would be running interference with building department and the applicant"

Town Planner, Bill Roth agreed to email the link to all Board Members, so they could read the analysis report themselves.

Chairman, Wayne Hayward then went on to read a letter from Diana Daniels, of 13 Mangham Way. Ms. Daniels addressed the letter to Peter Deterra, Chair of the Board of Health; and a copy was sent to Mr. Hayward. Ms. Daniels letter was showing support for the Wind Turbines. Mr. Hayward publicly thanked Ms. Daniels for sending the letter. He said, "In today's environment regarding wind turbines, it's an unusual letter to get in support of the turbines. Thank you for sending the letter." And he said it's always good to hear from people getting their opinions across in support of a project.

Board Member, Frank Budryk then explained to the Board that he had to "confess his ignorance" in regard to the bike path discussion earlier with Ms. Durfee. He said that he doesn't even know where some of the streets she was talking about are; and asked if there was some kind of aid or street map they could receive to actually look at where the streets are located.

Jeffrey Lucas advised that the Fairhaven Tourism office just had a town street directory printed and that maybe they could get copies of that.

Town Planner, Bill Roth said that he would get street map guide for all Board Members and put it in their packets for next meeting.

In further business, Town Planner, Bill Roth asked the Board for reimbursement of his mileage for April, whereas he drives Mr. Albert Borges to the SRPEDD Commission Meetings. He advised the Board that he was asking for a \$31.08 reimbursement.

Gary Staffon moved to reimburse Mr. Roth his mileage for the April SRPEDD Commission Meeting. Chairman, Wayne Hayward seconded. The motion passed by unanimous.

Gary Staffon moved to adjourn the Meeting, which was seconded by Jeffrey Lucas. The motion passed by unanimous vote. The meeting was adjourned at 7:38pm.

Respectfully Submitted,

Patricia A. Pacella, Secretary
To the Planning Board