

PLANNING BOARD MEETING of November 13, 2012: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

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

Quorum/Attendance

Members Present – Chairman, Wayne Hayward, Francis Budryk, Rene Fleurent Jr., Jeffrey Lucas, Peter Nopper and Gary Staffon.

Members Absent - Joseph Morra

Member Resigned - Albert Borges

Planning Director William Roth was also in attendance.

Acceptance of Minutes October 23, 2012

Gary Staffon made a motion to approve the minutes of October 23, 2012, and it was seconded by Peter Nopper. The motion passed by unanimous vote.

Planning Board Bills

None

Board Vacancy: Albert Borges Resignation:

Wayne Hayward – Read the resignation letter from Albert Borges. He indicated that the Board needed to officially declare a vacancy.

Jeffrey Lucas made a motion to declare a Planning Board vacancy, and was seconded by Gary Staffon. The motion passed unanimously.

William Roth – Reviewed the process that is followed for filling the vacancy.

II. CURRENT PLANNING:

Receipt of Plans:

None

Approval of Plans:

None

Street Acceptance:

1. North Street (between Cherry and Adams Streets)

William Roth – Reviewed the request. He indicated that this was a Town initiated Street Acceptance.

General discussion on the Street Acceptance occurred. It was questioned as to why the section of North Street west of Cherry Street to the water was not included.

Jeffrey Lucas made a motion to table the decision until the next meeting so an answer could be obtained, and was seconded by Rene Fleurent Jr. The motion passed unanimously.

IV. LONG RANGE PLANNING:

1. Chapter 316 Procedural Rules: Street Acceptance Procedure Flow Charts

Wayne Hayward – Read Town Code Chapter 169-14 and discussed that it takes all three Boards (Selectmen, Public Works and Planning) to agree of what road the Town expends funds on in preparing the Right-of-way plan. He also commented that this is a flow chart and should not take this long to get approved and put in use.

General discussion from the Board occurred on this issue.

William Roth – At the last meeting I mentioned that I reviewed it with Jeff Osuch and he questioned if it took two out of three Boards to agree and I referred him to Chapter 169.14, which is referenced. I have not had any more discussion with him on this; however, I will try to finalize this before our next meeting.

2. Chapter 198-29.5 Wind Energy Facilities: Bylaw Review (Discussion on Setbacks and Height)

Wayne Hayward explained again to the Board that this was just a working meeting to discuss and review the by-law. He said this is a Board functioning workshop meeting, and that he encouraged the members to talk back and forth.

Wayne Hayward first explained the revisions that were identified in the handout.

Jeffrey Lucas – Pointed out some grammatical and misspellings that needed to be corrected.

Rene Fleurent Jr – Indicated that on page 4 item 5 (a) he disagreed that a setback should be provided from a principle structure on the actual site of a Wind Turbine. If an owner wanted to allow a Wind Turbine within the fall zone that should be their right.

Wayne Hayward – Disagreed and felt there should be a setback and he also indicated that there was a waiver procedure to reduce the setback.

A lengthy discussion on this issue occurred with the Board. At the end of the discussion it was the consensus that the setback should remain in the code.

The next issue discussed was having a waiver procedure to any of the design standards within the proposed code. Currently there was a waiver for setback only. William Roth suggested that separate waiver language be added under Section L. Mr. Roth read an example that was within the Zoning Bylaw. It was the consensus of the Board to add such language.

Wayne Hayward – Indicated that a Severability language should also be added under Section L.

The next issue discussed was with regards to wind farms and should the code define what a wind farm is and/or limit the number of wind turbines on a property. There was no consensus reached on this issue and it will be discussed further at the next meeting.

Rene Fleurent Jr – Asked about wind turbines being placed in Fairhaven water and how this bylaw would regulate them.

William Roth – Indicated that he felt that it was regulated by several State agencies having jurisdiction such as Coastal Zone Management (CZM), DEP Waterway Division, Chapter 91 license, Department of Energy and Environment.

A lengthy discussion occurred with regards to this issue. It was left that Mr. Roth would research the jurisdictional issues and get back to the Board.

William Roth – Reviewed the changes to the definition section and in particular the definition of Abandonment.

The Board reviewed the Operations and Maintenance Report form at the end of the bylaw. It was the consensus of the Board that they like having such a report requirement.

William Roth – Indicated that he would clean up the draft for one final review

Jeffrey Lucas made a motion to adjourn at 9 PM; and it was seconded by Gary Staffon. The motion passed unanimously.

William Roth said the next meeting would be November 27th at 6:30 p.m.

Respectively submitted,

William D. Roth, Jr.
Planning director