

PLANNING BOARD MEETING of January 8, 2013: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Francis Budryk, Kaisa Cripps (new member), Rene Fleurent, Jr., Jeffrey Lucas and Gary Staffon arrived at 6:40 p.m.

Members Absent - Peter Nopper

Planning Director William Roth was also in attendance.

Wayne Hayward welcomed new member, Kaisa Cripps to the Board.

Acceptance of Minutes December 11, 2012

Jeffrey Lucas made a motion to approve the minutes of December 11, 2012, and it was seconded by Francis Budryk. The motion passed by unanimous vote.

Planning Board Bills:

William Roth submitted a bill for mileage representing travel to and from SRPEDD meetings from October to December 2012 in the amount of \$93.24.

Jeffrey Lucas made a motion to pay the bill of \$93.24 for William Roth's mileage, and was seconded by Wayne Hayward. The motion passed by unanimous vote.

Planning Board FY 14 Budget:

Wayne Hayward explained the budget to Board Members.

Francis Budryk asked about Professional Services, \$800; asked if it was used this past year?

William Roth explained the type of uses for this line item. He mentioned that this year it was used for the GIS Mapping.

Wayne Hayward explained that they tend to use it in different matters throughout the years.

Jeffrey Lucas made a motion to approve the FY '14 budget with a grammatical change (P. 2 (take out 'between')), and was seconded by Francis Budryk. The motion passed by unanimous vote.

II. CURRENT PLANNING:

Receipt of Plans:

None

Approval of Plans:

None

William Roth advised the Board that at the next meeting, January 22, 2013, there were two Public Hearings scheduled, one for a Street Discontinuance and a second for Dwelling Conversion. William

Roth stated it was pretty straight forward, and he would be present for the beginning of the meeting, but that he had an unavoidable Community Development Block Hearing with the Board of Selectmen at 7 PM that same night.

Schedule Public Hearing:

1. Wind Energy Facilities New Bylaw – (PH- 2-12-2013)

Gary Staffon made a motion to set the Public Hearing for February 12, 2013, and was seconded by Rene Fleurent.

On the question, Jeffrey Lucas asked how much latitude does the Board have to change language? And if they change some of it, does it have to go back to the Selectman?

William Roth said that the Board has full latitude and he felt that it did not have to go back to the Selectmen.

Wayne Hayward said if they make minor changes, maybe not go back to Selectman; but if they make radical changes, he would suggest sending it back to Selectman.

Discussion ensued on whether Selectman would need another fourteen days with a draft copy, if they were to make changes.

Jeffrey Lucas said, 'I just want to be careful so we don't run into a snag.'

Gary Staffon said, 'I think we'll be fine, once we get it approved and send it to Town Meeting, you'll see that it'll get more heated at Town Meeting.'

Wayne Hayward also said, 'On the question, he has some requirements of his own, a "Procedural Rules" for the February 12th Public Hearing. "This would be an amendment to your motion." Mr. Hayward said. He said that the Procedural Rules basically outlines the rules of conduct for that specific Public Hearing.

Kasia Cripps made some suggestions to the Procedural Rule document. She suggested #5 read, 'by occupancy of the law'; #6, read 48 hours in advance; #9 – she suggested 3 minutes, vs. 5. and in regards to #13 asked if there was a definition of the word 'expert'? And perhaps replacing that word with 'credentials'.

William Roth suggested the talking time being a maximum of five minutes. Brief discussion on how many minutes they should allow for each speaker. They agreed five minutes.

Wayne Hayward said that he would be encouraging written testimony.

Francis Budryk asked, 'How will the public be aware of these rules?'

William Roth explained that the Procedural Rules will be posted.

Kaisa Cripps recommended posting on-line as well.

William Roth will make it into a PDF document along with the agenda, and post it.

Wayne Hayward said he would not shoot down anyone's opinion, but he wants the Public Hearing to be handled efficiently.

Francis Budryk asked how many seats the room could occupy?

Rene Fleurent, Jr. reading the occupancy permit on the wall, stated it read 43 or 48.

Wayne Hayward said he believed it was 47.

Rene Fleurent, Jr. asked if Mr. Hayward thought about having it upstairs in the auditorium?

Wayne Hayward said that the auditorium has not been made into a Public Hearing room yet, and there is no amplification. He said, 'people would start yelling, the Board would be up on stage with the people below and I don't like that.'

Rene Fleurent, Jr. said, "It was just a suggestion, but he appreciated Mr. Hayward's opinion."

Wayne Hayward said he was looking for testimony to be in writing as much as possible.

Francis Budryk asked how the public hearing would be handled.

Wayne Hayward said that Robert's Rules of Order would be in full effect.

Jeffrey Lucas made a motion to amend #5 & #6 on the Procedural Rules, and to adopt those Procedural Rules for this Public Hearing; also to reiterate the previous motion that the Public Hearing be on February 12th, and was seconded by Francis Budryk. The motion passed by unanimous vote.

Francis Budryk then asked about why they would be asking for two copies of written testimonies?

Wayne Hayward stated that the press usually likes to get a copy; and one copy for Mr. Roth who puts it in the official file. "It's really a two copy minimum," Mr. Hayward said.

Wayne Hayward stated that the Town is currently waiting for sound study to be done, and may come out during this process. He said that the Board would not ignore anyone that spoke of sound concerns, but there isn't anything to base it on at this time.

IV. LONG RANGE PLANNING:

1. Solar Bylaw- Review & Discussion

William Roth started with an overview to the Board. He said that the Selectman had asked him to look at a Solar Bylaw this past summer. He said the big issue is if the Board wants to comply with the Green Community Act, which requires "As of right sitting". Mr. Roth discussed the Green Communities act and the requirements. The 20% energy reduction will be hard to meet because the problem we have now is that our energy use baseline doesn't give us credits for what we've already done.

Wayne Hayward said that 'procedurally site plan review has not been adopted in Fairhaven; it has to be adopted in Fairhaven.'

Gary Staffon said that he thought the Planning Board did a good job with Special Permits pretty fast and efficiently. Mr. Staffon said that he felt the Solar Bylaw should go in as a Special Permit just like the Wind Energy Bylaw.

Wayne Hayward asked how many people on the Board felt that Site Plan Review should be as of right and not by Special Permit?; he asked for the Board members to raise their hands; no one did.

Rene Fleurent, Jr. said he felt strongly about Special Permit.

So, in essence everyone agreed that it should be done by Special Permit.

The Board continued to review the "Draft" Solar bylaw, and conversation ensued.

Wayne Hayward took Robert Rules of Order off the table so members didn't have to go thru him to discuss and they could just talk freely in regard to the Draft.

Kaisa Cripps asked Mr. Roth where the draft came from, and Mr. Roth explained he use the States Model Bylaw and then looked at other communities throughout the State.

Wayne Hayward explained that this Draft did not apply to residential roofs, or commercial or industrial roofs (schools).

A discussion ensued around mega watts vs. acreage for putting up the Solar Panels. Wayne Hayward explained the technology of a panel.

A brief discussion around what kind of fencing should be incorporated in the bylaw.

The Board also discussed Setbacks. Kaisa Cripps thought the setbacks were not aggressive enough.

Wayne Hayward suggested that Mr. Roth put an effective date on the bylaw. The Solar Bylaw would continue to be on the agenda for more discussion at another meeting.

In other business, William Roth informed the Board there was information in their packet to look over. First a letter that Mr. Hayward sent to Mr. Peter DeTerra, in regard to the Board of Health's meeting the night before.

William Roth also advised the Board Members they had to update a questionnaire with the State Ethics Commission, and they could do it on-line or they could come to his office, and he'd help them.

And lastly, there was a letter from Washburn Avenue, in their packet for review.

Wayne Hayward advised the Board there was still a vacancy on the Board.

Gary Staffon made a motion to adjourn and was seconded by Rene Fleurent, Jr. The motion was unanimous. The meeting adjourned at 8:50pm.

Next Meeting is scheduled for January 22, 2013.

Respectively submitted,

Patricia A Pacella
Secretary