

PLANNING BOARD MEETING of December 17, 2013: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm. Mr. Hayward indicated to the Board and Public that the meeting was not being recorded by Government access; therefore, anyone wanting to record the meeting would need to notify the Chairman.

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Francis Budryk, John Farrell Jr., Rene Fleurent Jr., Jeffrey Lucas and Peter Nopper.

Absent: Kaisa Cripps and Vice Chairperson, Gary Staffon

Planning Director William Roth was in attendance.

Jeffrey Lucas made a motion to approve the December 10, 2013 minutes and was seconded by John Farrell Jr.

On the question, Rene Fleurent, Jr. made a correction to page 4, that his intention was questioning the decibel level at the property lines, not as was recorded.

With this amendment, the motion passed unanimously.

Planning Board Bills:

1. Ads – FNNews – **Bluewave, LLC** - \$150.00

Jeffrey Lucas made a motion to pay the FNNews for the ad for Bluewave, LLC and was seconded by John Farrell, Jr. The motion passed unanimously.

Wayne Hayward asked Mr. Roth about the new on-line permitting and what the ramification would be to the permit process.

William Roth stated once Planning decided to go on-line then they would need to look at the fee schedule to cover the 3%. He went on to say that no physical application can be done on-line, it would probably just allow the applicant to fill in all the information on-line, possibly calculate fees and save to the system and the applicant could print and bring it in with the necessary information. Mr. Roth says he plans to discuss with GEOTMS how other Planning Boards utilize the system.

There was a discussion around the 3% fee.

John Farrell Jr., asked if the 3% was a credit card or transaction fee.

Mr. Roth stated it was not a credit card fee, it was just a fee GEOTMS charges the Town to use the system.

More discussion ensued with Mr. Roth stating he would follow up once he reviewed with GEOTMS.

II. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

None.

III. PUBLIC HEARING:

None.

V. LONG RANGE PLANNING

1. Zoning Reform Bill - No new information was presented.
2. Master Plan Discussion - No new information was presented.

V. CORRESPONDENCE:

1. Meet with GB Knowles to discuss Property Covenant

Attorney Chip Mulford was in front of the Board to get their advisory opinion on what steps maybe needed, if his client so wishes to move forward. Attorney Mulford gave the background on the Property Covenant that went into place with his previous client for not more than 50, 2 bedroom units that were upscale at the GB Knowles property. He explained that the Real Estate market tanked back then and the client pulled the plug on the project. He explained that both the Board of Selectman and Planning Board would need to agree on lifting the covenant.

Attorney Mulford explained that he brought in builder Bristol Pacific who wanted 84 units, the Planning Board at that time approved the project; however, the Board of Selectman did not.

Mr. Mulford stated he has located a businessman, (who he did not identify), a condo developer who wants to build 50 upscale units, however he cannot make 2 bedrooms work and wants to do some 3 bedroom units. He said there have only been preliminary discussions and there is nothing in writing. He said he was here for an advisory opinion from the Board.

John Farrell, Jr. asked if Attorney Mulford was the attorney back in 2005 when the developer wanted it to be 55+ units.

Attorney Mulford said he was not involved at that time.

Jeffrey Lucas shared his three concerns. One being the proximity to the wind turbines and he is aware that the condos would sell as 'buyer beware'; the second concern was if the developer would be interested in perhaps half 2 bedrooms, half 3 bedrooms units; the third concern was if the developer thought about affordable housing.

Attorney Mulford said if the developer was willing to invest his money that the buyers would definitely be buying with full knowledge of the Wind Turbines. Mr. Mulford, in response to Mr. Lucas' concerns said that the developer may be amicable to some sort of split on the bedrooms, but he was not in the business of affordable housing.

Francis Budryk said he would be okay with the 3 bedroom condos, but wondered about the 55+ age limit proposal.

Mr. Mulford said that he was not ever involved with the age limit proposal and that his developer is not interested in making it just 55+ and over.

Rene Fleurent, Jr. asked if they know how far from the Wind Turbines the condos would be.

Wayne Hayward said that the Wind Turbine would be 1,000 feet to the property line. Mr. Hayward cautioned the Board not to be just concerned about the Wind Turbines, but also the perception that this

would be a private condo development and down the road once the residents are in, they may want mail delivery and trash pickup. He referred to "once bitten, twice shy" with many other condo developments in Town that start off private and then the residents go to Town Meeting complain that they as well pay taxes in Fairhaven and suddenly want mail and trash service.

Rene Fleurent, Jr. stated that he is okay with the thought of 3 bedrooms; however, that the Town put on the covenant as 2 bedrooms and he has to respect that decision.

Wayne Hayward explained that this has come in front of the Board previously and was voted 4-2 in favor, and then the Board of Selectman turned it down. Mr. Hayward said he doesn't believe the Board has the purview to discuss the covenant tonight. He believes it would need to go back in front of Town Meeting to become undone.

Attorney Mulford said that he believed the covenant read that conditions can be changed or taken off by Planning Board and the Board of Selectman.

Wayne Hayward read from the covenant that stated "only from Town of Fairhaven", which describes Town Meeting had the final say.

Attorney Mulford said he just wanted to know how the Board felt.

A brief discussion on the flood plains was also discussed.

Wayne Hayward asked Mr. Roth how they would go about it if there was further interest.

William Roth said that there would be a public hearing and that they could do it jointly with the Board of Selectman, or two separate public hearings and then if both Boards were in agreement it would go to Town Meeting for the final vote.

Jeffrey Lucas commented on one letter that was received in opposition. He stated that Joseph Borelli mailed the letter to the Board.

Wayne Hayward asked if the person had developed elsewhere.

Attorney Mulford said he has, but doesn't want to be identified at this time. He said that he had previously developed condos with empty nesters in mind. Mr. Mulford went on to discuss who would be looking at these types of homes.

Resident, Theresa Szala stated she came in as a Town Meeting member and stated that at the Town Meeting that put the covenant on the property they really pounded the covenant and she would hope the Board would just keep the covenant on as Town Meeting wished for it.

William Roth stated that even before it could get to Town Meeting floor the majority of both the Planning Board and the Board of Selectman would need to happen.

Attorney Mulford explained that he understood to even get to that point they would need plans and etc. He said he doesn't even know if his developer wants to put the money he would need to put into it to roll the dice. He is going to sit with the developer and have him look at the flood plain and see what if anything he wants to pursue.

Francis Budryk shared his concern that only looking at costs to the Town (ie: schools, etc) for 3 bedroom developers might not be the wisest.

Mr. Hayward said that the cost is one way of looking at it, but the Board has to also look at the density of the project and the different aspects of the project.

VI. OTHER BUSINESS:

1. Review 2013 Annual Report

William Roth reviewed the 2013 Annual Report with the Board.

Rene Fleurent, Jr. made a motion to approve the report, and was seconded by Jeffrey Lucas.

Wayne Hayward pointed out a spelling error.

As well, Rene Fleurent asked if Kaisa Cripps and Gary Staffon were on the Board for a 3 year or 4 year term, because the report had said 3 years.

Wayne Hayward corrected it to be 4 years.

With the three amendments to the Annual Report, the motion passed unanimously.

Francis Budryk made a motion to adjourn and was seconded by Jeffrey Lucas. The motion passed unanimously.

The meeting adjourned at 7:43 p.m.

Respectively submitted,

Patricia A. Pacella
Recording Secretary