

PLANNING BOARD MEETING of May 13, 2014: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS:

Chairperson, Wayne Hayward - Opened the meeting at 6:32pm. Mr. Hayward indicated to the Board and Public that the meeting was being recorded.

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Vice Chairperson, Rene Fleurent, Jr., Francis Budryk, John Farrell, Jr., Jeffrey Lucas (arrived at 6:33 pm), Peter Nopper, and Gary Staffon.

Absent: Kaisa Cripps

Planning Director William Roth was also in attendance.

Gary Staffon made a motion to approve the April 22, 2014 minutes and was seconded by John Farrell, Jr. The motion passed unanimously.

Planning Board Bills:

1. ADS – Fairhaven Neighborhood News – AD – **NSTAR** - \$90.00

Gary Staffon made a motion to pay the Fairhaven Neighborhood News for the NSTAR advertisement \$90.00 and was seconded by Frank Budryk. The motion passed unanimously.

Fairhaven Neighborhood News - AD – **Compassionate Care Clinic** - \$55.00
AD – **IMAC Management Group, Inc** - \$55.00

Gary Staffon made a motion to pay the Fairhaven Neighborhood News for the Compassionate Care Clinic and IMAC Management Group, Inc. ads, totaling \$110.00 and was seconded by Frank Budryk. The motion passed unanimously.

2. SRPEDD – Annual Meeting - \$280.00

William Roth advised that 8 people would be attending the annual meeting on May 28, 2014.

Gary Staffon made a motion to pay SPREDD \$280.00 for the annual meeting and was seconded by Frank Budryk. The motion passed unanimously.

II. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

1. Form A – **James Jackson** – 5 and 7 Seabreeze Avenue

William Roth explained the plans had a slight change. Mr. Roth explained there are two houses that straddle three assessor lots and the proposal is to take the three assessor lots and create two lots, referencing tax lots only. In addition, an access easement to the water was being created between Map 43, Lot 75 and Map 43, Lot 76. Mr. Roth is recommending approval.

Wayne Hayward said it was pretty straightforward.

Frank Budryk made a motion to approve the Form A for 5 & 7 Seabreeze Avenue and was seconded by Gary Staffon. The motion passed unanimously.

2. Form A – Steamship Authority – 10 & 14 Main Street

William Roth explained the applicant was looking to do an addition and realized the next door neighbor's pool is on their property. The proposal is to adjust the property line between the two lots without altering the frontage of either lot.

Frank Budryk said it was commendable that the two property owners discussed and worked it out.

Jeffrey Lucas made a motion to approve the Form A for the Steamship Authority at 10 & 14 Main Street and was seconded by Gary Staffon. The motion passed unanimously.

III. PUBLIC HEARING:

- 1 Special Permit - Brighton Health Advocates, Inc.
d/b/a **Compassionate Care Clinics (CCC)** – 2 Pequod Road

Chairman, Wayne Hayward opened the Public Hearing and introduced the Board members.

William Roth read the advertisement.

Peter Nopper read a statement that he owns a business and is an abutter within 300-feet to the applicant, but feels he can be impartial in voting in this matter if the applicant is okay with it.

The applicants, through their Attorney agreed it was okay for Mr. Nopper to remain.

The applicant was present along with their Attorney, Chris Saunders who made the introductions and then turned it over to their engineer, Ken Ferreira.

Engineer, Ken Ferreira explained the proposed work for 2 Pequod Road. He said they were going to restripe the parking spaces. They were required 27 spaces and they have 27. He said that landscaping already exists, but maintenance is required. He said they would be installing a transformer and generator as well as 4, 2 stack high shipping type containers that would be affixed to the building for the growing process in the rear near the loading dock. Mr. Ferreira said the access to the building would be the same as it is now.

Architect, Lucio Trabulla was also present and he gave an overview of the plans. He explained a vestibule would be put in the main entrance, but most existing work would remain. He said the dispensary would be in the front of the building.

Wayne Hayward asked if the main entrance is on Pequod Street.

Mr. Trabulla said it was.

Mr. Hayward asked about the door on Alden Road and if it will also be accessed by patrons.

Mr. Ferreira said they would be removing the glass door for a steel door, and would not be used as an entrance by patrons.

William Roth then reviewed his memorandum dated May 7th. He noted that as of the date the Police Department had not sent back a written comment. He also noted that the Town Collector had indicated taxes were due at the time of his memorandum; however they were no longer a current issue as the taxes were paid on Monday, May 12th.

Wayne Hayward asked if the Police Department had just not responded to the routing.

William Roth stated he had not received any written comment back from the Police Department but he had spoken to the Police Chief at various times and he spoke in favor of the project.

Wayne Hayward acknowledged Fire Chief Tim Francis in the room and asked him specifically if he had any concerns with the site access with a fire engine.

Chief Tim Francis said they were comfortable with being able to get to all sides of the building.

William Roth continued reading his report and then went over his recommendations with the 14 Special Conditions listed.

John Farrell, Jr. referenced in Mr. Roth's report from page 3, Section 198-29.D1 (1-8), "*Criterion (1): All non-exempt Medical Marijuana Facilities shall be contained within a building or structure*". Mr. Farrell asked about the shipping type containers they were proposing on the site and how they will be located.

Mr. Roth said they would be affixed to the building and then be considered structures.

Mr. Ferreira said it would be 2 high trailers on the loading deck.

Jeffrey Lucas asked if the trailers would have access without leaving the building.

Mr. Ferreira said they would be affixed to the building, but they would be outside secured in by a chain link fence. They would be used to start the growing stage and then those plants come into the building.

Wayne Hayward said he was disappointed that the Police Department had no return written comment in the routing process.

Sergeant Michael Botelho was present and advised that he would speak on behalf of the Police Department. He said he wasn't sure why there was no written comment sent back, however that the Police Department has been working closely with Compassionate Care Clinics regarding security. He said they had the opportunity to tour a similar facility in Rhode Island and got some insight from them regarding the security.

Jeffrey Lucas said that it wasn't too late for the Police Department to put a comment in writing.

Wayne Hayward asked about the catch basin located at the loading dock and that there was almost 3' water there during the last heavy rain storm.

Mr. Ferreira said that there was lots of trash inside the catch basin area and that the general contractor, Drew Tillet who was hired by CCC is aware of it and it simply has to be cleaned out.

Wayne Hayward asked if that's the location where the containers would be.

Mr. Ferreira said no, that's where the ramp would be.

Discussion ensued.

Wayne Hayward said his thought the building would be more modernized and referred to the vacant land to the North of the building that could be used for expansion.

Mr. Trabulla said the complete inside is modernized.

Wayne Hayward asked if their vision was to utilize existing structure and using that within the next five years.

President, Shelley Stormo nodded yes.

John Farrell, Jr. asked if there was a basement or it was just a concrete slab.

Mr. Trabulla confirmed a concrete slab.

Gary Staffon asked how far from the ground the storage containers would be, expressing that in a 50-100 year storm a lot of water could accumulate in that area.

Mr. Trabulla stated it would be approximately 8" off the ground.

Rene Fleurent, Jr. asked if they have a storm water management plan.

Mr. Roth advised there was not one and one was not needed because it was an existing developed site.

Discussion on the easement from the Post Office property to this building, which is 10 parking spaces that would be used for employee parking for the 'lottery' building.

Jeffrey Lucas asked about a couple of discrepancies on Mr. Roth's report to the CCC's report regarding security. Mr. Lucas asked exactly what the security will be.

Attorney Saunders referred to CCC's report, page 4, and the applicant had stated at least 60+ cameras on the premises and at least 1 security personnel, and for the most 2 security personnel. Therefore, it would be at least a minimum of 1 person, but at most times 2.

Wayne Hayward asked if there would be 24 hours security or any security at night.

Attorney Saunders responded no. He stated there would be sensors on the windows and throughout the building and on-going cameras 24x7.

There was more discussion on security and the monitoring system within the Police Department.

From the narrative that was submitted by Mr. Ferreira, Jeffrey Lucas read, "dispensary agents will be available to assist in identifying the medicine that will best address their symptoms," and asked for clarification on what that meant.

President, Shelley Stormo explained that a physician would be issuing the prescription and the DHP would be issuing the medical card. However, there are certain profiles and certain strengths depending on what it is being used to help ease pain. Mrs. Stormo explained that patient counselors would be trained to help with the different profiles and that they are there to help the patient get the best care.

John Farrell, Jr. shared more concern about the containers.

Attorney Saunders said they would be affixed to the building and permanently attached. And that the storage containers required a building permit.

Rene Fleurent, Jr. also stated concern about the containers and would rather see a build out.

Wayne Hayward said he was more concerned about the roof, and someone jumping on top of the roof to gain access into the building.

Attorney Saunders said there would be sensors on the roof. He said there would be state of the art security at the building. As far as the containers, Attorney Saunders said they are movable but once affixed they are no longer containers.

Wayne Hayward said he wasn't too concerned about the containers because it was going to be used as part of the growing stage only and then brought inside.

Mr. Fleurent again, said that he would prefer to see a build out.

Wayne Hayward said it's going to be a permanent structure and have affixed lighting in there.

Wayne Hayward opened up the hearing for public comment and acknowledged Selectboard members, Charlie Murphy and Bob Espindola in attendance, as well as the Fire Chief and members of the public.

There was no comment from the public at this time.

Gary Staffon stated that he would like to see security being 24 hours a day with at least 1 security personnel at all times.

Wayne Hayward asked Mr. Staffon if he would be willing to wait for the next phase to get a vote on that.

John Farrell, Jr., to Mr. Staffon's point said that the Police Department is going to reactive not proactive.

Chief Tim Francis asked how this differs from any other pharmacy in Town that sells oxycoton or other drugs.

Jeffrey Lucas questioned a landscaping plan that was not included in the plans. He expressed that a lot of his questions are asked for the people who may be at home watching, that they may have the same concerns; and he's trying to cover all his bases.

Attorney Saunders said they would probably keep the same species that are there currently but cut them down and maintain them. He said they are currently overgrown.

Ms. Stormo said the area will be very well maintained and look professional. She said they were getting all their ducks in a row with security and everything else, but definitely will be looking at the landscaping plan as well.

Jeffrey Lucas said he would like to see a planting/landscaping plan. He said he has no doubt it will look professional and maintained, but that is a requirement they usually require for others in Town.

Mr. Ferreira suggested that perhaps a condition be put in part that the Landscaping plan can be approved by the Town Planner.

Wayne Hayward explained that an O & M report is required every year and the Board would get a chance to review things.

Police Chief, Michael Myers walked in as Wayne Hayward was speaking and Mr. Hayward asked him about security.

Police Chief, Mr. Myers said that he had no concerns or issues. He said that CCC has been working well with the Police Department and working together to work on the security. He said they don't see any immediate concern for other than what is being proposed. He apologized for not getting something back in written format, as he thought if they had no concerns they didn't have to write anything.

Attorney Saunders said that his client would agree to having a security personnel over night if necessary.

Police Chief, Mr. Myers said they have had some discussion on private security or a police detail. They are continuously working those specifications out.

William Roth said that he is sure if there was an issue at night the applicants would work together with the Chief and revise a different plan if necessary.

A discussion ensued about lighting on the property and in the parking lot.

A brief discussion ensued about advertising.

Wayne Hayward said that off site signage was illegal.

William Roth said that the DHP issues the medical card and he assumes they would identify where in Massachusetts the nearest dispensary would be to a patient, since there are limited number of RMD's approved..

Ms. Stormo said that DHP regulates their advertising.

Selectman, Charlie Murphy stood and said that DHP has very strict regulations and that they have done their due diligence in contacting the Fire Chief and the Selectman in the communities who wrote in support of the applicant. He said he feels very secure with the applicant's security plan.

Selectman, Bob Espindola said that he also had an opportunity to tour the facility in Rhode Island and that he was very impressed with their security. He thanked the Board for doing a nice job asking a lot of very good questions.

Chief Myers said that he has been involved since the beginning, working side by side. He said the facility in Rhode Island is a very secure facility and they are working directly with them in regards to security.

Mr. Hayward asked if Chief Myers felt there was a visual sense of security in that facility.

Chief Myers said it was twofold. He said there is a uniform security and plain clothes; he said it has not been an issue there.

Gary Staffon to Chief Myers asked if there was a 24 hour security person onsite at the RI facility.

Chief Myers said he did not believe so.

Discussion ensued.

Wayne Hayward then asked of the Board members who were prepared to make a vote on this tonight. Of the seven members, three raised their hands.

Jeffrey Lucas said that he would like to say to the residents of Fairhaven to come out and speak for or against at a future meeting. Mr. Lucas said he thinks the fenced in areas need more discussion as well as he would like to see landscaping plan.

John Farrell, Jr. said he would like to see lighting plans as well.

Rene Fleurent Jr., said he would like to see amendments to the times/days. He would propose Monday through Saturday, 10-6.

Mr. Fleurent, Jr. said he would like to see the hearing continued.

Wayne Hayward said he would not be closing the Public Hearing tonight as he sees too many members that would like to continue it.

Discussion on when to continue the next meeting until ensued.

Discussion on any additional conditions that should be added ensued. Mr. Hayward suggested a condition that restricts future build out. Gary Staffon asked for a condition to be in place for the landscaping plan.

John Farrell, Jr. asked if the drainage issue should be conditioned.

Resident, Ann Richard said that she has been to most if not all the meetings in relevance to this project and she is in favor of it. She referenced Mr. Lucas' comment asking if the public wanted to come in and talk for or against the project they should, and Ms. Richards explained that besides a few 2-3 additional members of the public, people just have not expressed their opinions in either for or against. She wanted to commend the Board for asking a lot of questions and doing a great job.

Rene Fleurent, Jr. made a motion to continue the public hearing for Special Permit Compassionate Care Clinics to May 20, 2014 and was seconded by Jeffrey Lucas. The motion passed 6-1, with Frank Budryk in opposition.

Wayne Hayward asked the Board members should they have any additional concerns or questions that they need to forward them to Mr. Roth this week.

2. Special Permit – **IMAC Management Group, Inc.** – 67 Middle Street

Wayne Hayward opened the Public Hearing.

William Roth read the advertisement for the record.

Engineer Bob Rogers proceeded with his presentation. Mr. Rogers explained this was the site of the former Park Motors. He explained it came before the Board in 2005 with a condominium project that never was constructed. Currently, he explained it was an informal parking and stage area. The proposal was to build a two story 90x80 building, mix use commercial building with an apartment. They were proposing two commercial garages, offices and a mechanical room on the first floor; and a two bedroom apartment on the West side on the 2nd floor. They would be leaving the middle area gravel for boat storage; and a chain link around the property for security with a camera monitoring system. Mr. Rogers explained in regard to storm water management, it flows off equally and there would be landscaping with low impact drainage, which is improvement to what exists currently. They will have a dumpster on site as well.

William Roth reviewed his memorandum dated May 7, 2014 and advised that the proposal doesn't trigger the storm water criteria. His recommendation is approval with the 16 special conditions as listed.

John Farrell, Jr. asked if there would be boat storage in the building, to which Mr. Rogers said no.

Francis Budryk expressed that the lot has been an eyesore for the Town for decades and he's concerned what it's going to look like with this project.

Mr. Rogers said it would be a commercial looking building.

Mr. Budryk thought it looked ugly to him and that the property is the gateway of the Center of Town. He said his objection was the aesthetics of the proposal.

Owner, Sal Ingrande said that they were spending extra money to make it look better and it's not a flat metal looking building.

Wayne Hayward asked where the boats would be coming from?

Mr. Ingrande said he didn't know, but this was an ideal place because they are right across the street from a launching boat ramp.

Contractor to Mr. Ingrande, Charles Tripp was present and said that there were three other boat storages in that area, therefore, this wasn't going to be anything large.

Wayne Hayward asked why the chain link fence around the whole property.

Mr. Ingrande said it was for security reasons.

Discussion on chain link fence and setbacks.

Rene Fleurent Jr., asked if there would be racks for the boats.

Mr. Ingrande said there would not be.

A discussion ensued regard impervious and pervious material currently there.

There was a discussion on whether there would be work done at the premises. Mr. Hayward found it hard to believe that a boat owner who took his boat out of the water, and left it on the premises wouldn't need or want to work on it while it was there.

Mr. Rogers explained it was not a boat yard, but a commercial building with an apartment in it and a boat storage facility.

Mr. Budryk expressed his concern that it was not going to look good and he didn't see it improving that area.

William Roth reminded Mr. Budryk that he does not have the authority for design review in the By-law.

A brief discussion on a landscaping plan was discussed.

Rene Fleurent, Jr. asked for a condition to include no vertical stacked storage area.

Mr. Hayward expressed his concern over the terms, "boat storage."

Mr. Fleurent, Jr. stated that there was a condition that stated there would not be any working on the boats.

Mr. Hayward said that was unrealistic and they should have to comply with a boat storage yard.

Peter Nopper suggested if the boat was already pre-washed, pre-serviced, and pre-shrunk wrap they may be able to then store the boat there.

Mr. Ingrande said he would have no problem with that.

William Roth stated that he had a lengthy conversation with the applicant over this project and that he made it clear they would not be able to do 'work' on the boats parked there.

Mr. Ingrande said he had no problem with that, and understood that it was a dry storage area. "Park it and leave it," he said.

More discussion ensued.

Discussion ensued on storm water runoff and the catch basins.

A discussion ensued between Mr. Roth and Mr. Hayward regarding the By-Law stormwater requirements ensued.

Mr. Ingrande asked if he were to put in a few catch basins in, if that would appease Mr. Hayward.

Wayne Hayward suggested Mr. Roth have the Board's Consultant Engineer look at the plans.

William Roth stated he didn't think the project triggered the stormwater requirements; therefore, he did not send it out for review

Gary Staffon agreed and said why don't we just do that as suggested by the Chair.

Mr. Fleurent, Jr. asked if that would be money well spent.

Mr. Roth said he was very familiar with that neighborhood, whereas he helped rebuild it through a CDBG grants over the last 8 years.

Wayne Hayward said he was looking at the flood control and the water quality.

Discussion ensued on the proposal of a chain link fence around the whole property.

Wayne Hayward expressed that he was not going to vote in favor of the project.

John Farrell, Jr. expressed to the applicant what he heard the Board's concerns are. He said it seemed there were concerns about the storm water management, maybe the chain link fence, but he was unsure they could even regulate that; as well as the boat storage yard definition.

Francis Budryk said there was also a concern about security.

Gary Staffon added, "Lighting"

William Roth advised there was a lighting plan with the proposal.

There was a brief discussion on signage.

The Board decided to continue the hearing to their next meeting on June 10, 2014.

John Farrell, Jr. made a motion to continue the meeting to June 10, 2014 and was seconded by Gary Staffon. The motion passed unanimously.

IV. LONG RANGE PLANNING:

1. Master Plan Discussion

William Roth explained his 3 page memo regarding the Master Plan, he said it was a much greater task to do and beyond the resources he has to do it.

Wayne Hayward said he wasn't sure why subcommittees would have to gather the information.

John Farrell, Jr. said he didn't agree with the subcommittees either. He believed Mr. Roth would be able to get the information faster than a subcommittee. Mr. Farrell, Jr. also expressed that the Board works well together and he feels they just need to set some goals and objectives regarding the Master Plan and move forward on it.

Wayne Hayward said that's what a consultant would be doing.

More discussion ensued.

William Roth said he will compile some information from the other departments.

Rene Fleurent, Jr. said that he would like to initiate a historic overlay district in Town. "I'm passionate that some parts of this Town needs be reserved," he said.

William Roth suggested Mr. Fleurent, Jr. make an appointment with the Historical Commission to 'test' the waters.

Mr. Fleurent, Jr. said he would be happy to spearhead this.

V. CORRESPONDENCE:

1. Buzzards Bay Comprehensive Conservation and Management Plan 2013

William Roth explained he has one copy and any Board member can look at it, it would be in his office. He will try to get a pdf copy as well.

John Farrell, Jr. made a motion to adjourn and was seconded by Peter Nopper. The motion passed unanimously.

The meeting adjourned at 10:29 p.m.

Next Meeting on May 20, 2014.

Respectively submitted,

Patricia A Pacella
Recording Secretary