

PLANNING BOARD MEETING of July 8, 2014: 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 being recorded.

Quorum/Attendance

Members Present – Vice Chairperson, Rene Fleurent, Jr., Francis Budryk, Kaisa Cripps, Jeffrey Lucas, Peter Nopper, and Gary Staffon.

Absent: John Farrell, Jr

Planning Director William Roth was also in attendance.

Acceptance of Minutes: Gary Staffon made the motion to accept the minutes as presented and was seconded by Rene Fleurent, Jr. The motion passed unanimously with Wayne Hayward and Jeffrey Lucas abstaining as they were not present at the previous meeting.

Planning Board Bills:

1. Fairhaven Neighborhood News – PB – Ad/**Recording Sec** - \$38.00

Gary Staffon made a motion to pay the Fairhaven Neighborhood News \$38.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. Fairhaven Neighborhood News – 89 – Ad/On Ice Realty – **Ice House** - \$90.00

Gary Staffon made a motion to pay the Fairhaven Neighborhood News \$90.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.

3. GCG Associates – 89 – Engineering – **IMAC Management** - \$427.50

Gary Staffon made a motion to pay GCG Associates and was seconded by Peter Nopper. The motion passed unanimously.

**II. CURRENT PLANNING:**

Receipt of Plans:

None

Approval of Plans:

None

**III. PUBLIC HEARING:**

1. Special Permit – **IMAC Management Group, Inc.** – 67 Middle Street (con't from 6/10/14)

Wayne Hayward opened the public hearing which is continued from June 10, 2014.

William Roth reviewed his July 1, 2014, Memorandum and said he tends to agree with the applicant regarding not setting boat size limitations. Mr. Roth said he was recommending 19 draft conditions and referenced number 3, 4, and 5 as conditions that GCG (the Board's engineer) had recommended. Mr. Roth recommended approval with said 19 conditions with a typing error on condition #5, should say "BMP" not "BPM".

Pamela Lafreniere, the applicant's Attorney said they had received a copy of the conditions and that the applicant was in agreeance with all set forth in the conditions.

Francis Budryk asked a question referencing Mr. Fostin's determination letter of the setbacks as 5'.

Mr. Roth stated that he asked Mr. Fostin if he wanted to review the property again for setbacks, but he responded he did not because nothing new has taken place in that area and he is still going with the 5' setbacks. Mr. Roth stated that Mr. Fostin is the zoning enforcer who makes this determination.

Bob Rogers was present as the Engineer for the applicant he explained they were at the Conservation Commission meeting on June 30, 2014 and the project got approved with 3 Special Conditions, one which included "no boat maintenance should occur at this site."

William Roth said that he was advised of the Special Conditions from ConCom and that condition #16 refers to those ConCom conditions.

Mr. Rogers advised the Board there were no changes to the June 18, 2014, plans. He explained they did a two step process with a Notice of Intent and a Request for a Determination with Conservation Commission. Mr. Rogers advised that Mr. Rockwell was the one who reviewed the project and wrote up the special conditions.

Wayne Hayward said it sounded like the boat storage with no maintenance was clear on both sides with conditions.

Mr. Budryk asked what the time frame is for the project.

Mr. Rogers said they still need to go through the Chapter 91 waterways process.

Kaisa Cripps asked if there was any flood damage with the recent storm in that area. They replied no.

William Roth explained the new drainage system improvements in the area that were recently done in the past few years, paid for by the CDBG Program.

Ms. Cripps recommended they add a special condition for no stackable storage.

Rene Fleurent, Jr. said he would not be in favor of that condition.

Resident, Faye Bartlett said she had reservations about the industrializations that are happening in our Town. She said she heard a town rumor that there was going to be a warehouse on the property that will hold fish.

Sal Ingrande, property owner, said that there has been nothing in their plans for that.

Wayne Hayward said that would be a Board of Health issue.

William Roth explained that a warehouse is not allowed in a Mix-Use District.

Ms. Bartlett then asked about the 5' setback that was determined by Wayne Fostin.

William Roth reviewed the email he received from Mr. Fostin and explained that he is the zoning enforcement officer and is the person that determines the setback. Mr. Roth was not going to defend or argue what Mr. Fostin stated.

Francis Budryk said that some people make mistakes and that this setback has to be a definite, he would like to see more information as this is a definite answer from the zoning agent.

Abutter, LeAnn Girard questioned her home at 96 Main Street not being a part of the setback that the zoning enforcer had put in his report.

William Roth advised it was not his determination. He reiterated the zoning officer determines the setback.

Wayne Hayward explained the setback of use.

Jeffrey Lucas questioned the Zoning Analysis Table on the plans as being incorrect.

Mr. Rogers admitted it was incorrect and he would make the correction. "My fault," he said. "I'll correct it."

Ms. Bartlett said she was concerned about the neighbors and wanted to make sure there would be no maintenance on the property.

Mr. Rogers said that it was going to be used for boat storage as the Special Permit would say. The buildings will have offices, conference rooms and only allowed uses within those buildings that are allowed by zoning.

William Roth explained the Special Permit.

Wayne Hayward said that hopefully they'll make the best use of the property.

Rene Fleurent Jr. made a motion to close the public hearing and was seconded by Kaisa Cripps. The motion passed unanimously.

Gary Staffon made a motion to approve the Special Permit for IMAC Management Group, Inc. at 67 Middle Street with the 19 Special Conditions as written by Mr. Roth with the one typing correction on condition #5 from Memorandum #3 dated July 1, 2014, and was seconded by Peter Nopper.

On the question, Kaisa Cripps would like to amend condition #7 to include, "no stack boat storage shall be permitted" and was seconded by Jeffrey Lucas.

On this motion, Jeffrey Lucas said that this additional amendment would clarify the intention.

Francis Budryk asked about the setbacks.

Wayne Hayward ruled him out of order advising if it's not about the amendment he can't discuss at this time.

On Kaisa Cripps' motion the motion passed unanimously.

On the main question, Francis Budryk asked again about what would happen if the setbacks were incorrect.

William Roth advised that would be a civil issue and a judge would decide.

Wayne Hayward said if there were no further amendments on the original motion, he would call for the vote. The motion passed unanimously.

2. Special Permit – On Ice Realty, LLC – d/b/a/ **The Ice House** – 136 Huttleston Avenue

Wayne Hayward introduced the Planning Board members.

William Roth read the advertisement for the public hearing.

William Roth reviewed his memorandum dated July 1, 2014, and he was recommending approval with 12 Special Conditions.

Engineer, Ken Ferreira introduced Kevin Caldwell as the architect for the project. Mr. Ferreira explained that the plant schedule is listed on page 2 of the plans. They have contracted with G. Bourne Knowles.

Francis Budryk thought they were adding a deck so he advised that the applicant to do their due diligence with having animals, specifically dogs to people who needed them to be able to have them.

William Roth explained to Mr. Budryk that they were removing the deck and putting up a building.

There was a brief discussion on the existing two easements and the capacity of the building being the same.

Additional discussion occurred.

Rene Fleurent, Jr. made a motion to close the public hearing and was seconded by Gary Staffon. The motion passed unanimously.

Rene Fleurent, Jr. made a motion to approve the Special Permit for On Ice Realty, LLC d/b/a The Ice House at 136 Huttleston Avenue with the 12 Special Conditions as listed and was seconded by Francis Budryk. The motion passed unanimously.

#### **IV. LONG RANGE PLANNING:**

Wayne Hayward said the Master Plan should still be on the agenda.

Rene Fleurent Jr. asked if any department head had responded back to Mr. Roth via email regarding the master plan.

Mr. Roth said, No.

#### **V. CORRESPONDENCE:**

Wayne Hayward asked Mr. Roth if he wrote the letter to the representatives regarding the cell towers.

Mr. Roth said he had sent an email to both representatives.

#### **VI. OTHER BUSINESS:**

In other business, Kaisa Cripps asked if anyone else would be applying for a Special Permit for a marijuana dispensary in Town, seeing that Compassionate Care Clinics was denied the state permit.

William Roth said that he believes CCC is going to appeal it.

Wayne Hayward said the Special Permit is valid for two years.

Discussion ensued.

Rene Fleurent, Jr. made a motion to adjourn and was seconded by Francis Budryk. The motion passed unanimously.

Respectively submitted,

Patricia A. Pacella