

**PLANNING BOARD MEETING
October 28, 2014
Town Hall Banquet Room**

I. ADMINISTRATIVE BUSINESS:

Chairperson, Wayne Hayward – Opened the meeting at 6:57 p.m.

Quorum/Attendance:

Members Present: Chairperson, Wayne Hayward, Vice Chairman, Rene Fleurent, Jr., Peter Nopper, Kaisa Holloway-Cripps and Gary Staffon.

Absent: John Farrell, Jr., Jeffrey Lucas and Francis Budryk (resigned).

Planning Director, William Roth, was also in attendance.

Kaisa Cripps made a motion to approve the October 14, 2014 minutes and was seconded by Gary Staffon. The motion passed unanimously.

Planning Board Bills:

1. Staples – supplies - \$164.16.

Gary Staffon made a motion to pay Staples \$164.16 for supplies and was seconded by Kaisa Cripps. The motion passed unanimously.

II. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

None.

III. PUBLIC HEARING:

1. Special Permit – Mill Bridge Holdings, LLC. – 200 Mill Road. (Cont. from 10/14/14).

The Applicant requested a continuance. They would like to finalize the ZBA and they are in process of finalizing land swap with hospital. They are requesting a meeting in December. Mr. Roth is recommending December 16, 2014.

Gary Staffon made a motion to continue the hearing to December 16, 2014 and was seconded by Kaisa Cripps. The motion passed unanimously.

IV. LONG RANGE PLANNING:

1. Master Plan Discussion

Kaisa Cripps asked if they needed a sub Planning Board working group for the Master Plan and

Mr. Hayward explained there was in-house work they were going to have to do when they get to the public portions. Mr. Roth explained they could put the request together and get the article ready. The sub-committee would happen if and when funding was received.

2. Auto Dealer Use – Potential Zoning Amendment.

Mr. Roth indicated he would work on a draft letter for the Board to review.

IV. CORRESPONDENCE:

Francis J. Budryk – Resignation letter.

Mr. Budryk submitted a letter of resignation effective immediately. It was filed with the Town Clerk on October 24, 2014. If the Board chooses, they can declare a vacancy in order to move ahead on filling Mr. Budryk seat.

There was discussion on the process re: resignation/vacancy.

Kaisa Cripps made a motion to declare a vacancy in light of Mr. Budryk's resignation from the Planning Board effective October 24, 2014 and Mr. Staffon seconded. The motion passed unanimously.

V. OTHER BUSINESS:

1. Mr. Roth recommended November 18, 2014 as the next Planning Board meeting for any items as other dates fall on and/or close to a holiday and if anyone came in for Form A application they will call an emergency meeting.

Gary Staffon made a motion to hold the next Planning Board meeting on November 18, 2014 and Ms. Cripps seconded. The motion passed unanimously.

2. Update on EJ's: Mr. Roth sent Ms. Melanson an email on October 22, 2014 outlining 8 issues and met with her today.
1. Outdoor seating of the ice cream stand seating needs to be reduced to 30. Ms. Melanson was told that when the ice cream stand is open, it is permitted for 30 seats. The large 5 tables are 6-tops, the four remaining tables used for the Grand Opening cannot be there, unless it is brought before the Planning Board and requested the condition be modified. If there is more, it will automatically go into enforcement;
 2. The site lighting has been installed;
 3. The dumpster enclosure has been installed;
 4. The crossover easements have been recorded;
 5. Landscaping – Mr. Roth explained that some of the required trees were not planted, but there was landscaping done that was not required. Ms. Melanson was requesting the Board to review it and see if this would meet the Board's intent. The two trees at the Holcombe Street entrance have not been planted. Adjacent to the vinyl fence, there was a grassy area that was landscaped and trees were put in there. Ms. Melanson did not plant the 3 trees along the front because of the signage conflict. Recommendation is for the Board to review the landscape plan, view the

- site and review the changes and modifications that were done to see if it is sufficient to meet the Board's intent and requirements.
6. The layout due to the height of the building, the height is actually higher than engineer had it. There were some changes made so we are asking that we get an updated site plan that shows the as-built. Ms. Melanson has contacted the engineer to get that.
 7. The driveway. Ms. Melanson was going to talk to her site contractor to get prices and schedule. It wasn't on the bid.
 8. The four spaces striping. The striping person was contracted to do that. It was scheduled to be done but when they were going to do it, there was a puddle of water. Ms. Melanson contacted him and it was on his list to do before winter.

Mr. Roth explained there were four outstanding items, landscaping, layout - updated as-built, driveway and striping.

Mr. Hayward asked how they arrived at the number 30 for her outdoor seating. Mr. Roth explained it was identified in the Special Permit. There are 30 outdoor seats (ice cream business), 20 indoor seats (bakery) and 143 seats in the new restaurant.

Discussion ensues regarding number of parking spaces and seating.

Kaisa Cripps explained the parking requirement was not met and would like to set a deadline to have it addressed by the middle of December.

Mr. Roth explained because of it getting too cold to pave, asphalt plants shut down, paving probably won't happen until the spring.

Mr. Hayward explained if she came in with a signed contract, it would show intent.

Kaisa agrees with a letter of intent, but would still like to put a deadline. Mr. Fleurent, Jr., said he would be comfortable with a signed contract and to have striping done before winter. Mr. Hayward disagrees, they are not an enforcement agency and Mr. Fleurent, Jr., mentioned Fairhaven Code 198-5, indicating that this gave them the capability to enforce it.

Rene Fleurent, Jr., made a motion that before the December 18, 2014 meeting that the striping be done and a Letter of Intent to have the driveway installed. Kaisa Cripps seconded. The motion was opposed and failed.

Mr. Fleurent, Jr. also referred to Zoning Bylaw Section 198 – (4 &5), Enforcement and Violations & Penalties. Mr. Hayward thought it should be put on the agenda to get an update. Mr. Roth said he would invite Ms. Melanson and Mr. Hayward thought the engineer should appear on her behalf or given a letter or some dates. Mr. Roth will put on the next agenda.

Discussion ensues regarding enforcement.

Mr. Fleurent, Jr. explained he was a SRPEDD Representative in Fairhaven. Every meeting, a group presents to the SRPEDD Commission. Last month it was "Keep America Beautiful". They help support organizations and provide them with information and sometimes funding and was hoping some of the civic organizations in Town would hear this and would contact these them.

Kaisa Cripps congratulated Mr. Roth and his staff. Mr. Roth received a South Coast Rail Technical Assistance Grant of \$25,000 to develop a corridor plan for Benoit Square which is also going to be impacted by the rail project.

Mr. Staffon made a motion to adjourn the meeting and was seconded by Peter Nopper. The motion passed unanimously. The meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Tracy White
Recording secretary