

FAIRHAVEN PLANNING BOARD
Town Hall Banquet Room July 14, 2015

A. ADMINISTRATIVE BUSINESS:

Chairman Wayne Hayward opened the meeting at 6:00 p.m.

Quorum/Attendance: Wayne Hayward, Chairman, Rene Fleurent, Jr., Kaisa Cripps, Jeffrey Lucas, Ann Richard, Peter Nopper, John Farrell, Jr. and Gary Staffon.

Absent: None.

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes:

Rene Fleurent, Jr. made a motion to accept the minutes of June 23, 2015, and was seconded by John Farrell, Jr. The motion passed unanimously.

Jeffrey Lucas made correction on page 4, where Mr. Lucas said "he". The "he" is Mr. Rheume.

Planning Board Bills:

1. GIS Services – **CAI Technologies** - \$1,200.00

Jeffrey Lucas made a motion to pay \$1,200.00 for CIS Technologies and was seconded by Wayne Hayward. The motion passed unanimously.

William Roth indicated it was part of a larger \$2,000 bill that comes out of the 89 Account. It is \$40 per lot, set as a fee several years ago. Rene Fleurent, Jr. asked if whole bill was \$2,000, and this is only portion Mr. Roth said that was correct. Jeffrey Lucas asked if came out of different accounts and Mr. Roth said the 89 Account is a direct deposit account where an applicant pay the fee for this. The \$40 per lot is all held until the plan is recorded and then map gets updated. Mr. Hayward said the 89 account is not Planning Board budgeted funds.

2. Office Supplies – **Chadwick's Awards Unlimited** - \$17.00

Mr. Roth said it is for name plates for Ann Richard and Tracy White.

Jeffrey Lucas made a motion to pay \$17.00 and was seconded by John Farrell, Jr.. The motion passed unanimously.

B. CURRENT PLANNING:

Receipt of Plans

None.

Approval of Plans:

Form A – **Michael Ristuccia** – Bass Creek Road (Re-sign Land Court Revisions)

Michael Ristuccia is present.

William Roth said the Planning Board originally signed the plan December 12, 2014. The Land Court has specific surveying requirements and the Land Court information has been added, which is technical information. It is to comply with revisions the Land Court requires and takes a while to come back.

Jeffrey Lucas made a motion that this is not a subdivision and to sign the ANR and was seconded by Gary Staffon. The motion passed unanimously.

C. PUBLIC HEARINGS

Wayne Hayward indicated the meeting is being televised and introduced the Planning Board members.

1. Special Permit – Brahmin Leather Works #4 – 77 Alden Road (cont'd from 6/23/15.)

John Keegan and Scott Martin were present.

Mr. Martin said they have made some changes to meet Conservation Commission requirements. Mr. Martin feels that should cover them for quite some time into the future.

Wayne Hayward asked about a curb cut and Mr. Martin said it is part of a taking done on the corner lot. It is a sort of relief valve for the parking in middle section and that it remained available for any potential future development in the corner. Mr. Hayward said it is for overflow parking.

Mr. Keegan noted the storm water was upgraded due to the addition as well as some of the parking areas. Mr. Keegan also explained what upgrades were made. Mr. Keegan noted that there was 4,200 sq. ft. of wetland replication and what used to be there in the past. They added a shallow pocket wetland. (Discussion ensued re: infiltration system). The landscaping has been updated.

Mr. Hayward asked if there was room for sidewalks on the right-of-way and Mr. Martin said there were on Bridge Street and across the street and the north side heading towards Titleist.

Jeffrey Lucas said there was no pathway to the Bridge Street building from the parking area and it would be co-existing with the traffic. Mr. Martin said there are walkways going to the building, directing people to the front of the building. Mr. Martin gave a description of the walkways in the area.

William Roth said Condition #2 needs to be removed regarding storm water. The landscape plans is fine. The curb cut has good separation and full-turn movements that MassDOT installed when they upgraded the intersection at Bridge and Alden. It is the only curb cut that the Standard Times site has on Alden. They are prohibited from any other curb cuts up to the intersection. Mr. Roth said there are 18 conditions, minus #2.

Jeffrey Lucas asked about the wetland line and the 100' buffer and Mr. Keegan explained using the plan.

Mr. Hayward asked if they had an Order of Conditions and Mr. Keegan said they did and he is waiting on them but it has been approved.

Mr. Lucas asked where the dumpster was located and Mr. Martin indicated on the plan. Mr. Roth said it was not visible from the street.

John Farrell, Jr. asked about the interim well-head protection area Mr. Keegan said the well hasn't been in use in over 20 years and will be open until they close the well.

Gary Staffon asked regarding the driveway entrance to the other property, that being the only entrance to the other property, feels that would be the entrance for anything more they do. Mr. Roth said any future development would go to that spot. (Discussion ensued.)

John Farrell, Jr. asked if there was discussion regarding the "no left turn" and Mr. Roth said it was almost impossible to enforce.

Gary Staffon asked if there was more discussion on sidewalks and Mr. Hayward said he believed that would be a Town effort.

Mr. Hayward asked who was representing the Standard Times property and Mr. Martin said he was representing both.

Mr. Lucas asked if the workers go in the front and Mr. Martin reviewed the paths and entrance doors on the plan.

Kaisa Cripps asked if the Conservation Commission has approved it and Mr. Keegan said they had.

Kaisa Cripps made a motion to approve the Special Permit for Brahmin Leather Works #4 with the 18 conditions, minus #2, and was seconded by Gary Staffon. The motion passed unanimously.

2. Special Permit - Carapace, LLC. #2 – 250 Bridge Street

Wayne Hayward said they have a continuation request. Mr. Roth said plans came in Friday and there was not enough time to review them for this meeting. Mr. Roth is recommending continuation to July 28, 2015.

Rene Fleurent, Jr. made a motion to continue to July 28, 2015, and was seconded by Gary Staffon. The motion passed unanimously.

William Roth said he would write up a Mullins Rule letter for Ms. Richard and Mr. Nopper for them to sign.

D. LONG RANGE PLANNING

1. Master Plan Discussion

Mr. Hayward said he did include a letter stating it was a good time for a sub-committee. Mr. Hayward feels it is time to move it to the next level with a small group to prepare an Article for Town meeting and, if successful, selection of the consultant. Mr. Hayward does not see how it could be done during the monthly meetings. He felt 5 members would be sufficient, with 3 being from the planning Board. The bulk of work comes through the consultant. If everyone is in agreement, we need 3 members of the committee.

Rene Fleurent, Jr. would like larger input from the community and the Town. Mr. Fleurent, Jr. would like to see a committee larger than 5 members

John Farrell, Jr. asked what they would be responsible for and Mr. Hayward said preparing a scope for the project and drafting the Article for Town meeting and someone has to interview consultants and recommend hiring. Mr. Roth said large part of the drafting is scope and providing details up front and feels a committee of 5 is sufficient. Mr. Hayward said with a larger committee, decisions are difficult. Mr. Roth said the Planning Board is the ultimate body to approve any decision.

Kaisa Cripps agrees with a smaller 5-person committee and thinks public input is important when it goes to Town meeting. (Discussion ensued.)

Wayne Hayward said when it comes time to making decisions, it will be the 5. Mr. Roth said he would be there as staff support.

Kaisa Cripps asked if it was the intent to appoint a Planning Board member as Chair and Mr. Hayward said he will to make sure it runs properly.

Rene Fleurent, Jr., suggested going to 7 and having 2 at large members. (Discussion ensued re: make up of committee).

William Roth said this is to work on the scope, article and building the coalition. It is not to discuss the merits of any element and specific issues.

Wayne Hayward said they would go with 5 now and if need be, they can add more. Mr. Hayward said the committee is not authorized to act for the Planning Board, but can make recommendations and noted whoever was interested, to email himself or Bill Roth.

Kaisa asked if the plan was for May Town Meeting and Mr. Hayward said he hopes so.

2. Auto Dealer Use – Potential Zoning Amendment

Wayne Hayward asked if they thought they needed another look through the draft of the zoning bylaw amendment. Mr. Roth said he has split the boat out as a specific use in the Use Table and 198-25 includes automobiles and boat services, took out 300 ft. from school, library and added in section 198-27.

Mr. Hayward said 198-27 is one of the major changes and putting a procedure in place for Board of Selectmen and should help. Mr. Roth feels it is everything they have been discussing.

Jeffrey Lucas said his concern is the definitions, like boats. Our community is recreational and he feels commercial boats should be handled differently. The definition does not talk about size or use between the two. Mr. Roth said it is a discretionary use based on size, type and location depending on the Planning Board. Peter Nopper said larger vessels will be at a shipyard. Mr. Lucas feels there is no grey area. Rene Fleurent, Jr. said he agrees with Mr. Lucas, unless they completely give a definition and maybe this is where they set limitations on the type of growth they want on the waterfront. Mr. Roth said this is sales, rental and service. (Discussion ensued.)

Mr. Lucas said they talk about minor and major repairs, and is there a definition for them. John Farrell, Jr. read Bylaw definition into the record. Kaisa Cripps said you can't deny based on size and Mr. Roth said yes they can. Mr. Lucas thoughts were to define what a major and minor repair was.

John Farrell, Jr. said this does not affect the private citizen from puttering on their boats. It protects the Town. We have certain type of restrictions. Mr. Farrell, said he pushed for the bylaw and does not understand why they would want to limit themselves. Rene Fleurent, Jr. said he wanted to protect the residents in town. (Discussion ensued.)

Mr. Roth said currently under the bylaw, boat sales auto sales/service are permitted in the business and industrial district. This bylaw makes it a Special Permit and you have full discretion to look at anything, including size of a boat. Mr. Hayward said it also covers motor homes, truck and school bus sales.

John Farrell, Jr. said under Section D, body work and painting are not allowed uses or external storage of more than 6 vehicles or boats requiring repair and asked if they could add, "on or about". Vehicles that are waiting to be repaired parked on the street waiting for service and have it read, "external storage of 6 vehicles or boats on or about the property". Mr. Lucas said he had also made a note regarding overnight storage. Kaisa Cripps said if the car is registered with plates, they are legally parked. (Discussion ensued.)

Gary Staffon asked what was in existing bylaw for residential, what can people put in yard. Mr. Roth said they are not dealing with anything residential.

Ann Richard said if they are in favor of amendment, what is the next step and Mr. Roth said he would advertise the hearing and voting on what the Board wants to do. Mr. Roth said the earliest would be last week in August. (Discussion ensued.)

Rene Fleurent, Jr. asked what was the amount of cars being put on this and Mr. Roth said 6 vehicles requiring repair, not for sale. Kaisa Cripps asked if someone had a 50-acre property, could they have more than 6 and Mr. Roth said it is currently in they bylaw and it is not being changed. Ms. Cripps also asked if they could change it by Special Permit and Mr. Roth indicated they could. Gary Staffon said they usually have a building and also have cars inside. Mr. Hayward said it is up to the licensing authority.

Kaisa Cripps said she would like to see it based to "space" and Special Permit. Mr. Roth asked Ms. Cripps to email him that information. (Discussion ensued.)

Mr. Hayward said this gives the Town a lot more protection.

William Roth said he will email the Word version to the Board members.

3. Special Permit Bonds – Potential Zoning Amendment

Mr. Hayward said there were draft proposals the Board should have received and he would like to keep this on the agenda.

Rene Fleurent, Jr. feels it is one more level of bureaucracy that would hamper new business in the Town.

William Roth said there is a covenant option.

Gary Staffon said this would help finish projects quicker. Wayne Hayward said there are communities doing this through site plan review. (Discussion ensued.)

Rene Fleurent, Jr. asked if should be completed by Enforcement Agency.

Wayne Hayward said it would help the Enforcement Performance bond. Mr. Hayward would like to keep this on the agenda to keep reviewing and he will also email in Word.

E. CORRESPONDENCE

None.

F. OTHER BUSINESS:

EJ's Status Update

William Roth said all issues have been resolved in the original zoning complaint. The 4 picnic tables are an issue and Mr. Roth has spoken to the attorney. If they are removed, there is no issue; if not, it requires further parking spaces. Mr. Roth advised the attorney would speak with the client.

Wayne Hayward said they have conformed to the original zoning complaint. This is a whole new matter and he could draft a letter specific to that. (Discussion ensued.)

Rene Fleurent, Jr. said is it new issue or alteration to an issue. Kaisa Cripps said this was brought up in the spring.

Wayne Hayward said he or Mr. Roth could draft a letter and notify the Building Commissioner and copy the Board of Selectmen about what the tables represent and in terms of parking and let him handle it in his capacity of Zoning Enforcement Officer.

Gary Staffon said these are seasonal for picnic tables, and come November 1, this probably won't be an issue. Ms. Cripps said they should have designed the Special Permit that way. (Discussion ensued.)

Wayne Hayward said there is a seasonal use, but no Special Permit was issued and disagrees with that. Mr. Hayward will entertain a motion and noted it will not be on the agenda next month. Kaisa Cripps said this is setting precedence for every other business in Town. Ann Richard said she agrees with Mr. Staffon and feels they have waste too much time on it. (Discussion ensued.)

William Roth said this is a new enforcement issue and suggests sending correspondence to the Enforcement Officer and copy Selectmen regarding the additional tables added and request that it be enforced.

Kaisa Cripps made a motion for Mr. Roth to draft a letter on behalf of the Planning Board and was seconded by Gary Staffon. John Farrell, Jr. and Gary Staffon were opposed.

Wayne Hayward would like the calculations in the letter.

Rene Fleurent, Jr. mentioned that West Island has new neighbor, new business regarding the drive-up window. Mr. Roth said the Zoning Enforcement Officer did not see it as a drive-through and Mr. Roth agrees.

Wayne Hayward said does it add more intensity of use to the property is the question. (Discussion ensued.)

Gary Staffon made a motion to adjourn and was seconded by Ann Richard. The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Tracy White
Recording Secretary