

**Fairhaven Planning Board
April 25, 2017**

Present: Wayne Hayward, Rene Fleurent, Jeffrey Lucas, Peter Nopper, Ann Richard.

Absent: Nicholas Carrigg, John Farrell, Jr. and Cathy Melanson

William Roth, Planning Director, was also absent.

Acceptance of Minutes: April 11, 2017 – Jeffrey Lucas made a motion to accept the April 11, 2017, minutes and was seconded by Ann Richard. The motion passed unanimously.

Planning Board Bills:

1. Supplies – Master Plan Meeting – 4/6/17 – **William Roth** - \$17.22

Jeffrey Lucas made a motion to pay William Roth \$17.22 for supplies for the Master Plan Meeting and was seconded by Ann Richard. The motion passed unanimously.

2. Supplies – Master Plan Meeting – 4/6/17 – **Shane Sher** - \$23.97

Jeffrey Lucas made a motion to pay Shane Sher \$23.97 for supplies for the Master Plan Meeting and was seconded by Ann Richard. The motion passed unanimously.

3. Legal Ads – Fairhaven Neighborhood News – **Nelson/Iacaponi** - \$110.00

Jeffrey Lucas made a motion to pay Fairhaven Neighborhood News for the Nelson/Iacaponi legal ad a \$110.00 and was seconded by Ann Richard. The motion passed unanimously.

4. Legal Ads – Fairhaven Neighborhood News – **Master Plan** meeting - \$240.00

Jeffrey Lucas made a motion to pay the Fairhaven Neighborhood News \$240.00 for the legal ads for the Master Plan meeting and was seconded by Ann Richard. On the question, Ms. Richard asked why VHB wasn't paying for this and Wayne Hayward said it was in their contract that the Board would be paying for any ads. The motion passed unanimously.

B. Current Planning:

Receipt of Plans:

1. Special Permit – Clean Energy Collective, LLC – 279 Mill Road – Map 38, Lots 5 & 6, Map 39, Lot 32. Request for a 2 megawatt solar farm. (PH 5/23/17)

Wayne Hayward advised the Board that the land may be under Chapter 61A and they may have to deal with that simultaneously.

Jeffrey Lucas made a motion to hold a Public Hearing on May 23, 2017, for the Special Permit for Clean Energy Collective, LLC -279 Mill Road, Map 38, Lots 5&6, Map 39, Lot 32, for a 2 megawatt solar farm and was seconded by Ann Richard. The motion passed unanimously.

Approval of Plans: None

Revised Plans: None

C. PUBLIC HEARING:

1. Special Permit – Verizon Wireless –V#SC08 – 280 Huttleston Avenue-Map 31B, Lot 39-41 (con't 4/11/17). To locate Small Cell Equipment on a utility pole, which consists of a cylindrical antenna at the top of the utility pole, two (2) Remote Radio Heads, meter, junction boxes and associated wires and cables.

Wayne Hayward advised that Verizon Wireless' Attorney was present. Mr. Hayward stated that Attorney Klasnick needed six (6) positive votes for a Special Permit and there were only five (5) members present. Mr. Hayward stated the options were to open the Public Hearing, hear the public and then vote or that they could continue the Public Hearing to the Board's next meeting which was scheduled for May 9, 2017.

Attorney Klasnick requested a continuance to May 9, 2017, and he will confirm that in writing to Mr. Roth.

Resident, Karen Vilandry stood to be heard.

Wayne Hayward advised that this was not a Public Hearing at this time. He stated that the Attorney had requested a continuance so there would be no public comment heard at this time. Mr. Hayward also explained the Mullin Rule for members that were absent.

Ms. Vilandry said, "I thought where it was on the agenda I could give information to ponder."

Mr. Hayward stated he would not want her to give only five members the information, but rather to wait until there was a full voting Board and give the information then. Mr. Hayward explained the process of a Special Permit requiring 6 positive votes.

Ms. Vilandry stated she was thankful for the specificity of tonight's agenda of the Verizon Wireless description.

Mr. Hayward advised Attorney Klasnick that a resident had given a packet of information to each member and he was able to take one as well for their review.

Jeffrey Lucas made a motion to continue Special Permit Request Verizon Wireless VSC#08, 280 Huttleston Avenue-Map 31B, Lot 39-41 to May 9, 2017, at the request of Attorney Klasnick; the motion was seconded by Ann Richard. The motion passed unanimously.

A resident, Jean Warters of 46 Huttleston Avenue stood and wanted to speak on the Verizon Wireless Special Permit at 7 Huttleston Avenue. Mr. Hayward stated that that Special Permit had already been approved and the only one left to be heard on was the 280 Huttleston Avenue and no public comments would be heard until the continued meeting of May 9, 2017.

2. Bylaw Amendment – Board of Selectmen – Temporary Moratorium on Sale and Distribution of Recreational Marijuana, Article 51, of the May 6, 2017, Town Meeting.

Wayne Hayward opened the Public Hearing and Recording Secretary; Pattie Pacella read the advertisement for the meeting.

Representing the Board of Selectmen, Town Administrator, Mark Rees was present. Mr. Rees gave a brief presentation that he had attended a seminar recently on Recreational Marijuana and had from various State Representatives that they would like would advise that Town and Cities adopt a Moratorium until Legislature does their own review and research. Mr. Rees stated that he has put together a simple Moratorium that he drafted from another Town's moratorium and that Town Counsel has reviewed and recommended that they push the Moratorium out until May 2019, which Mr. Rees would be amending on the Town Meeting floor. He stated that the Legislation had until December 2018 to review.

Wayne Hayward stated the Board had to make a recommendation positive or negative to send to Town Meeting.

Jeffrey Lucas asked for some clarification on the By-law itself and how it read, "by ballot that cannot occur prior to November 6, 2018."

Mr. Rees stated that is what the Board of Selectmen will amend on the floor to read "December 2018". He stated that was what the Legislation has recommended the Moratorium approval deadline be up until.

Mr. Hayward said they do have the option to take this to a Ballot question.

Discussion on zoning language in the future and that the Planning Board may have to create a By-Law for the retail sale of marijuana in the future.

Mr. Hayward asked Mr. Rees to have Town Counsel review the language of the "use district" under #4 of the By-Law where it reads, "Recreational Marijuana N N N N". Mr. Rees said he would do that.

Ann Richard stated that every precinct in Town voted overwhelmingly for Recreational Marijuana and her concern would be if the Town and State kept moving the date out that that is not the will of the 77% of the voters in Fairhaven who voted for it.

Mr. Rees said it was not an issue of in favor or against Recreational Marijuana but to have the Town in a position to what's going to come down from the Legislation.

Resident, Jean Warters stated she felt a Moratorium may be perceived as negative among the Town residents and she was unsure why it they wanted to put in place a two year waiting period. She stated she would encourage the Town to push forward and not push it back two years.

Discussion ensued.

Wayne Hayward stated he would like to see them "do it right."

Resident, Karen Vilandry stated her concerns about Recreational Marijuana among children, and how it's going to affect people. She stated that she would recommend to the Board that they do their research, and referenced a Doctor Amen that put out some interesting reading literature regarding the brain on marijuana. She also stated that she knows of a friend who lives in Colorado and the whole state seems to be walking around in the clouds.

Ann Richard stated it was unfair to put all the people who lived in Colorado under one "cloud" umbrella and that she took offense that the Board absolutely does their research and does not like to hear otherwise.

Mr. Hayward stated that the only purview of tonight's vote was to make a recommendation to Town Meeting. The adoption of the Zoning By-Law would be voted on at Town Meeting.

Resident, Diane Hahn spoke briefly that she has done much research on the subject and she encourages the community to do the same. She said she would rather it be regulated and controlled rather than what she sees happening two doors down in her neighborhood.

Ms. Vilandry asked a procedural question about tonight's vote.

Mr. Hayward stated that a Special Permit required six (6) positive votes from the Board vs. a recommendation on a Zoning Bylaw Amendment only required a majority vote. He stated that the Board had many State Laws which their voting falls under and that is how they adopt their votes. A simple procedure is a majority vote. Mr. Hayward also stated that if the Board doesn't move forward on the Zoning By-Law Request that Town Meeting would not be able to hear this at Town Meeting because it falls under the "21" day window.

Wayne Hayward made a motion to recommend to Town Meeting the adoption of Article 51 as amended on the Town Meeting floor and was seconded by Jeffrey Lucas. The motion passed 4-1, with Ann Richard in opposition.

D. LONG RANGE PLANNING:

1. Master Plan Status Update – Discussion on next Public Meeting date and location.

Wayne Hayward stated they need to establish a date and venue for the next Public Master Plan Meeting.

Ann Richard stated she would recommend holding the meeting at the Council on Aging, as it's a central location and is accessible. Jeffrey Lucas concurred.

Rene Fleurent, Jr. also stated he would like to see it at a new sight.

Mr. Hayward wasn't in favor of having it at the Council on Aging, stating that government business is done at Town Hall.

The Board reviewed dates and options.

The Board decided on a June 6, 2017, Steering Committee meeting at Town Hall and the next Public Meeting at the Council on Aging if available on Tuesday, June 13, 2017.

E. CORRESPONDENCE: None.

F. OTHER BUSINESS:

In other business, Mr. Hayward spoke about a previous meeting and when preliminary subdivision requests comes before the Board that the Board should 95% of the time not approve them until it becomes a subdivision request. He explained that people don't need to come before the Board with a preliminary and when they are do they are asking for the Board's "advice"; however when the Board approves them a lot of times the realtor will go back out there and put the preliminary subdivision on the market to build and it's not even been approved yet. He just gave the information as food for thought.

Rene Fleurent had no new news from SRPEDD, but did advise the Annual Meeting is coming up on May 24, 2017. Wayne Hayward stated there were enough funds for everyone who wanted to, to attend.

Ann Richard made a motion to adjourn and was seconded by Wayne Hayward. The motion passed unanimously.

Meeting resolved at 8:00p.m.

Listing of Documents:

- 1 Memorandum #4 – Town Planner William Roth – re: Special Permit V#SC08-280 Huttleston Ave
2. Memorandum – Town Planner William Roth – re: Proposed Zoning By-law Amendment-Temporary Moratorium on Sale and Distribution of Recreational Marijuana
3. Memorandum – Town Planner William Roth – Master Plan 2nd Public Meeting Date and Location

Respectively submitted,

Patricia A. Pacella
Recording Secretary