

**Fairhaven Planning Board  
May 23, 2017**

**Present:** Acting Chair, Jeffrey Lucas, Nicholas Carrigg, John Farrell, Jr., Cathy Melanson and Ann Richard.

Wayne Hayward, Rene Fleurent, and Peter Nopper were absent.

William Roth, Planning Director was also present and stated that the senior most member of the Board, Jeffrey Lucas would be the Acting Chair for tonight's meeting.

**Acceptance of Minutes:** May 9, 2017 – Ann Richard made a motion to approve the minutes of May 9, 2017, with a minor correction, and was seconded by John Farrell, Jr. The motion passed unanimously.

**Planning Board Bills:**

1. Engineering Costs – **GCG Associates, Inc.** – Earle Street - \$650.00

John Farrell, Jr made a motion to pay GCG Associates Inc for Earle Street in the amount of \$650.00 and was seconded by Cathy Melanson. The motion passed unanimously.

2. ADS – **Fairhaven Neighborhood News** – VCORP, LLC-3B Earle Street - \$120.00

John Farrell, Jr made a motion to pay Fairhaven Neighborhood News for VCORP, LLC-3B Earle Street in the amount of \$120.00 and was seconded by Cathy Melanson. The motion passed unanimously.

3. ADS – **Fairhaven Neighborhood News** – BOS/moratorium on Marijuana - \$110.00

John Farrell, Jr made a motion to pay Fairhaven Neighborhood News for the BOS/Moratorium on Marijuana hearing in the amount of \$110.00 and was seconded by Cathy Melanson. The motion passed unanimously.

4. Annual Meeting – **SRPEDD** - \$160.00

John Farrell, Jr made a motion to pay SRPEDD \$160.00 for the Annual Dinner Meeting and was seconded by Cathy Melanson. The motion passed unanimously.

5. Engineering Costs – **GCG Associates, Inc.** – Carricorp - \$650.00

John Farrell, Jr made a motion to pay GCG Associates Inc \$650.00 for Carri Corp hearing and was seconded by Cathy Melanson. The motion passed unanimously.

6. Engineering Costs – **GCG Associates, Inc.** – Clean Energy – 276 Mill Road - \$780.00

John Farrell, Jr made a motion to pay GCG Associates Inc in the amount of \$780.00 for Clean Energy and was seconded by Cathy Melanson. The motion passed unanimously.

7. Staples (A new bill received this evening) - \$531.47

On the question, John Farrell, Jr asked what the amount was for. Mr. Roth advised toner cartridges, paper and miscellaneous typically purchased at fiscal year's end. With that information, Mr. Farrell, Jr. made a motion to pay Staples \$531.47 and was seconded by Cathy Melanson. The motion passed unanimously.

**B. Current Planning:**

Receipt of Plans: None

Approval of Plans: None

Revised Plans: None

Other:

1. Chapter 61A – Right of First Refusal – 279 Mill Road, Map 38, Lots 5 & 6, Map 39, Lot 32  
Mr. Roth gave a quick summary of the Solar Farm project that needs to take the proposed lease area out from using the Chapter 61A tax deferral program. He explained that the Town has first right of refusal and that the Planning Board along with other Boards would just be making a recommendation to the Board of Selectmen.

Cathy Melanson made a motion to recommend to the Board of Selectmen to decline the first right of refusal at 279 Mill Road and was seconded by Nicholas Carrigg. The motion passed unanimously.

2. Planning Board Member appointment to Economic Development Committee.

William Roth advised that all appointments to Committees are up for renewal and that according to the EDC Committee by-law a representative from Planning Board should be appointed to the committee. Mr. Roth recommended tabling this until the Board's next meeting on June 6, 2017, where they may have a full board present. He also stated that the current representative of the Planning Board on the EDC is Wayne Hayward. Cathy Melanson also mentioned her interest. The Board agreed to table until the June 6, 2017, meeting.

**C. LONG RANGE PLANNING:**

1. Master Plan Update

Mr. Roth reported that the consultants are currently preparing the draft background and existing conditions and that the information will be sent to Board members by mid next week before their June 6, 2017, meeting. He also stated that all materials will be updated on the share point site. Ms. Richard stated that she felt the share point site was not being more updated with information as it should.

Ms. Richard asked about the Economic Development Plan draft and if the EDC votes on that plan or is it the Planning Board.

Mr. Roth the EDC has looked at the draft for comments but it is the Planning Board's Master Plan. He advised they have a working meeting on June 6, 2017, in the East Room.

Ms. Richard asked if they were doing as much advertising as the first public meeting for this second one coming up June 13, 2017. Mr. Roth advised they were doing more; and that they were doing four weeks of ½ page ads in the Fairhaven Neighborhood News.

**D. PUBLIC HEARING:**

1. Special Permit – Carricorp Industries, LTD – S.E. Corner of Bridge Street and Route 240, Map 30A, Lots 86B & 87A. Requesting approval to develop the proposed site with a 4,600 SF convenience store with a drive-thru facility, 6 pump canopy gas pump island, and associated parking, landscaping and drainage.

William Roth began with advising that a Special Permit can be approved with six positive votes, because the Board tonight had only has five people in attendance, and Nicholas Carrigg would be abstaining as he is related to the petitioner, Mr. Roth recommended that the advertisement be read, but no testimony be taken tonight and that the petitioner request a continuance.

Mr. Carrigg left the room.

Mr. Roth read the advertisement for the Public Hearing.

Steve Giosa from Sitec was present and asked for a continuance to the next available meeting of June 27, 2017, because of lack of quorum.

Ann Richard asked a procedural question related to if the abutters for this petitioner would be re-notified for this future meeting. Mr. Roth advised they would not. He publicly advised that if anyone in the room or in the public wanted to review the plans for this project they could do so by calling his office. He said he was able to send the plans out digitally as well.

John Farrell, Jr. made a motion to continue the Special Permit for Carricorp Industries, LTD-S.E. Corner of Bridge Street and Route 240, Map 30A, Lots 86B & 87A to the Boards June 27, 2017, meeting at the petitioners request and was seconded by Cathy Melanson. The motion passed unanimously.

2. **Special Permit – Clean Energy – Solar** – 279 Mill Road, Map 38, Lots 5 & 6, Map 39, Lot 32. Requesting approval, to construct an approximate 2 megawatt solar farm consisting of approximately 8,445 ground mounted solar panels on two lease areas of the Deterra Farm for a total lease area of approximately 9.4 acres.

William Roth read the advertisement for the Public Hearing.

Acting Chairman, Jeffrey Lucas explained that six people were needed to vote positively for a Special Permit and that only 5 members were present this evening. He asked the petitioner if they wanted to move forward tonight or continue the hearing.

For the petitioner, Greg Carey advised the Board they wanted to continue with the hearing.

Acting Chairman, Jeffrey Lucas explained that the three missing members would have to file a Mullen's Rule certifications to be available for to participate in future meetings and be able to vote on the project and that the applicant was proceeding at their own risk.

Mr. Carey gave a brief overview of Clean Energy and the proposal to lease 9.4 acres of the DeTerra Farm to host solar panels. He apologized for Peter DeTerra, who was called out of town on business tonight and would not be present. He explained that the power is sold locally to residents, and businesses at a discount. Mr. Carey stated that some of the land is in Chapter 61A and they were moving approximately 9.6 acres out of Chapter 61A. He said they have filed a Notice of Intent with Conservation Commission and that has been continued until June 12, 2017. He then introduced Engineer on the project, Richard Tabaczynski of Atlantic Design Engineers, Inc.

Mr. Tabaczynski gave an overview of the project stating they will be stabilizing the dirt roads between three pockets of wetlands on the property. He said they have tried to site the solar arrays in places that are cleared so there is very minimal clearing for storm management. The solar will be fenced in. He advised of landscape planting at Northern edge because of a home on that side and they are trying to match existing grades.

John Farrell, Jr. asked if there was a 100' buffer zone to the wetlands.

Mr. Tabaczynski explained there was and that they are still in the process of speaking with Conservation Commission.

Mr. Roth gave an overview of his Memorandum dated May 16, 2017. He briefly highlighted some of his comments, beginning with F7, that he felt the landscaping plan was weak and the design needed to be staggered for effective screening and better plant selection.; F19, that a sound study was not necessary; F15 that the narrative was more of a marketing tool for the company not a description/narrative of how the project meets the criteria for approval and that had to be redone, were a few of his highlights. His recommendation was the petitioner had not met the criteria for approval but with additional information and revisions of the plan it could be met.

Mr. Lucas read from the Planning Board by-law that read Solar farm be on 10 acres and he felt that the petitioner should control ten acres. Mr. Lucas asked if they'd be leasing the roadway, to which Mr. Casey said they would not.

Ms. Melanson said they are only talking about an additional 0.4 acres of land to meet the 10 acre requirement.

Ms. Richard asked if any of the runoff could be collected to be utilized as irrigation by the farm.

Mr. Tabaczynski stated that the panels are split so arrays not mounded in the middle and there was runoff in every direction.

There was some concern from the Board about the homeowner who lived close to the project.

Mr. Carey said they had spoke to the homeowner and he was in favor of the project he had requested some extra shrubs in the area and they agreed to place a few more for extra screening.

There was a brief discussion on how far the fence from I-195 was and if vinyl fencing was necessary. Mr. Roth stated staff didn't feel that vinyl fencing was necessary because it was not visible from a public right-of-way.

Mr. Farrell, Jr. asked if the applicant felt he could lease additional land from the DeTerras to achieve the ten acre minimum.

Mr. Carey felt that Mr. DeTerra didn't want them to have any more acreage that the arrays would need.

Mr. Lucas said they may need to have 0.4 more acre to reach the ten minimum.

Mr. Tabaczynski advised they would be adding eight utility poles; four on each side for over ground utilities and underground would put more pressure on the wetlands.

Resident, Dennis Sirosis, of 267 Mill Road asked if the poles were privately owned, which was confirmed they were by the DeTerra's. He also asked if there would be any blasting done, as it could harm the well systems in that area.

Mr. Carey stated there would be no blasting. He did say there may be some jack hammering, however.

Mr. Roth advised the Board they had two Public Hearings already scheduled for the June 27, 2017, meeting, he just wanted them to be aware when they decided to continue the project.

Ann Richard made a motion to continue the Special Permit for Clean Energy, Solar of 279 Mill Road, Map 38, Lots 5 & 6, Map 39, Lot 32 to June 27, 2017, and was seconded by John Farrell, Jr.. The motion passed unanimously.

#### E. CORRESPONDENCE:

Mr. Roth advised the Board received an answer to the Open Meeting Law Complaint that was filed by resident, Karen Vilandry and it was in the Board's packet. They determined through their review that the Board did NOT violate the Open Meeting Law but did recommend that the Board include additional detail on future meeting notices, such as the nature of the special permit under consideration. Mr. Roth told the Board that as they can see their agenda's do include more information describing the applications.

Ms. Richard asked if on the June 27, 2017, meeting, the Special Permit that were continued from tonight, if in fact the same description would be put on that meeting agenda as well; to which Mr. Roth said, "yes."

Mr. Roth advised everyone that they will have a work session meeting on the Master Plan on Tuesday, June 6, 2017, at 6:30 in the East Room, and it would not be televised.

Mr. Roth also advised the public that the next public meeting on the Master Plan would be Tuesday, June 13, 2017, at 6:30p.m. at the Council on Aging building.

Mr. Roth reminded all that the Annual SPREDD meeting would be Wednesday, May 24, 2017.

Ann Richard made a motion to adjourn and was seconded by John Farrell, Jr. The motion passed unanimously. Meeting adjourned at 7:55 p.m.

List of Documents:

1. Memorandum dated May 16, 2017 – Clean Energy Collective LLC – Solar Farm – Special Permit 279 Mill Road, Map 38, Lots 5 & 6, Map 39, Lot 32.
2. Letter from the Attorney General's office dated May 16, 2017, Re: Open Meeting Law Complaint, Received May 18, 2017.

Respectively submitted,

Patricia A. Pacella  
Recording Secretary