

**Minutes
Fairhaven Planning Board
October 10, 2017**

Mr. Hayward opened the meeting at 7:00 p.m. as the Board waited for the arrival of one of it's' members to reach a quorum.

A. ADMINISTRATIVE BUSINESS:

Present: Chairman, Wayne Hayward, Vice Chair-Rene Fleurent, John Farrell, Jr. Clerk-Peter Nopper, and Jeffrey Lucas.

Absent: Nicholas Carrigg, Cathy Melanson and Ann Richard.

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes:

September 26, 2017

Jeffrey Lucas made motion to accept the minutes with a few minor grammatical corrections and was seconded by John Farrell. The motion passed unanimously.

Bills:

Wayne made a motion to pay Ann Richard \$25.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.

B. CURRENT PLANNING:

Receipt of Plans:

None

Approval of Plans:

1. *Form A* – **Antonio C. Nunes** – 17 Nancy Street, Map 37A; Lots 470 & 487

Mr. Roth reviewed his memorandum dated October 5, 2017, recommending approval of the Form A for 17 Nancy Street.

Jeffery Lucas made a motion to approve the Form A for 17 Nancy Street, Map 37A; Lots 470 & 487 and was seconded by Rene Fleurent. The motion passed unanimously.

C. LONG RANGE PLANNING:

1. Master Plan update

Mr. Hayward gave a brief overview of the last public form and stated the Master Plan is in its final stage of drafting the implementation plan, which should be done by the end of the year.

D. PUBLIC HEARING:

1. *Definitive Subdivision* – **Overlook Realty Trust** – Between 444-450 Sconticut Neck Rd., Map 29 Lot 1C, is requesting approval for a three lot subdivision. The applicant is requesting nine waivers.

Mr. Roth read the advertisement.

Wayne Hayward opened the Public Hearing. He stated this project sits between Sunset Beach Road and Jerusalem Road on Sconticut Neck Road.

Engineer from Schneider Associates, Dave Davignon was present on behalf of the applicant. He began with an overview of the project. Mr. Davignon stated the first plan was proposed with twenty-six lots back in 1971, downsized in 1978 to fifteen lots, came to the Planning Board in May 2016 as a proposed preliminary subdivision. He stated that the applicant proposes to create the frontage for three (3) building

lots by constructing a Roadway Layout, 32' wide with a hammerhead turn-around in compliance with the Fairhaven Subdivision Rules and Regulations for a 3-lot development. Given that this is a division of Lot #3 on an ANR Plan, the lots have been number sequentially as 4, 5, and 6 for Registry of Deeds recording continuity.

Wayne Hayward expressed he didn't want confusion with a missing lot 3, the lots would be numbered 1, 2, 4, 5, 6.

Discussion ensued on drainage pipes on the property.

Overlook Lane is the proposed street name. It is proposed to be a private way with a homeowners association.

Mr. Fleurent expressed his concern that it is being proposed as a private way, but may come back in the future to Town Meeting to accept the street and now the Town would have to pay for it to be paved, etc. Mr. Fleurent requested a condition that the homeowners could not go to Town meeting in the future to have ask for it to be accepted, or he would like to see the homeowners association bring the street up to code before it is finalized.

Discussion on the Fire Chief's concern of the gravel road and recommending that it should be paved ensued.

Mr. Roth reviewed his memorandum dated October 5, 2017, and found that an abbreviated storm water analysis should be done. He noted DPW concerns that were highlighted and at this time. Mr. Roth indicated that the project does not meet criteria for approval and that the Board should hold the hearing, take testimony and then the applicant should request a continuance to then address the comments and concerns.

Jeffrey Lucas asked Mr. Davignon if he received the DPW list of concerns dated September 8, 2017. Mr. Davignon stated he received only Mr. Roth's report.

Opening up to the public, abutter, Cheryl Souza of 69 Jerusalem Road stated there was a creek that holds water on the property. Ms. Souza said her and neighbors went to the Conservation Commission meeting and they just would not listen to them. She said she felt Ms. Francis had connections of the Conservation Commission. Ms. Souza stated she was against the gravel road, the dust would be unbearable. She had drainage concerns because of the wetlands. And she stated it would be devastating for the wild life back in that area.

Another resident and abutter, Mr. Lieberman from 63 Jerusalem Road stated they were new owners in the area and he said they were concerned about a multiple of issues. He said he "would like to see the subdivision go in correctly."

Mr. Hayward explained what the process is and assured the residents that the process is being followed.

Ms. Lauren Francis stood and stated that she sold this property to Overlook Realty Trust. She explained the "creek" that Ms. Souza referred to as a man made ditch by the Town of Fairhaven in 1955. She stated it took her seventeen years to have the DPW fix the pipe in that ditch and it wasn't fixed until 2014.

There was discussion on the 2015 conservation delineation line.

Mr. Lucas stated he had some concerns about the easements for driveway access to the properties.

Mr. Roth explained what the Planning Board applies their regulations and law, versus Conservation Commission, who provides the access for the individual homes and driveways.

Mr. Davignon stated that every home would have to file a Notice of Intent with Conservation Commission.

Mr. Hayward agreed with abutters that the property needs to be stabilized.

Mr. Hayward reviewed the subdivision requirements with the Board against the waivers as requested.

There was a waiver request for the Stormwater Management Plan. Mr. Roth advised he was looking for a modified drainage analysis of the pre and post conditions and that the post condition analysis provide the gravel scenario and a paved scenario.

Mr. Hayward would like to see something other than gravel, perhaps chip seal. Discussion ensued.

Ms. Francis advised there is a homeowners association, and the paperwork was just sent to Mr. Roth this morning. She said she does not believe Conservation Commission would allow asphalt.

Discussion ensued.

John Farrell made a motion to continue the hearing per the applicant's request to November 14, 2017, and was seconded by Jeffrey Lucas. The motion passed unanimously.

E. CORRESPONDENCE: None

F. OTHER BUSINESS:

Mr. Fleurent stated he had a SRPEDD update, however due to the late hour; he would review at the Board's next meeting.

Jeffrey Lucas made a motion to adjourn and was seconded by John Farrell. The motion passed unanimously. Meeting adjourned at 9:38 p.m.

Documents reviewed:

1. William Roth's memorandum dated October 5, 2017 – Re: 17 Nancy St; Map 37A, Lots 470 & 487
2. William Roth's memorandum dated October 5, 2017 – RE: Overlook Realty Trust – Definitive Subdivision

Respectively submitted,

Patricia A. Pacella
Recording Secretary