



Fairhaven Board of Selectmen

May 2, 2016 Meeting Minutes

Present: Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, and Clerk Daniel Freitas; Town Administrator Mark Rees, and Administrative Assistant Anne O'Brien.

Mr. Murphy called the meeting to order in the Town Hall Banquet Room at 6:35 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

MINUTES

- Mr. Espindola motioned to approve the minutes of the March 28, 2016 meeting, executive session. Mr. Murphy seconded. Vote carried with one abstention from Mr. Freitas, who was not a selectmen at the time of the March 28 meeting. (2-0-1).
- Mr. Espindola motioned to approve the minutes of the April 5, 2016 meeting, open session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the April 5, 2016 meeting, executive session. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Mr. Espindola motioned to approve the minutes of the April 13, 2016 meeting, open session. Mr. Freitas seconded. Vote was unanimous. (3-0).

ANNUAL TOWN MEETING ARTICLE RECOMMENDATIONS

Mr. Espindola motion to take a discussion of Annual Town Meeting (ATM) Articles 32 and 33 out of order from the Selectmen's agenda. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Rees stated that Article 33, a Planning Board-petitioned article that sought to amend a zoning bylaw related to auto, boat sales, rental, and service, had been withdrawn by the Planning Board and would be passed over at Town Meeting.

Kevin McLaughlin of the Fairhaven Shipyard was acknowledged. Mr. McLaughlin spoke against Article 32, an article that would require a bond be posted for special permits. Mr. McLaughlin spoke against the article, saying that the language was ambiguous and could require a cash deposit (bond) for anyone seeking a special permit, and that the cost of the bond could be one to three percent of the total project. Regarding Article 33, he said that he felt the Planning Board's intention was to make auto and boat business locations non-conforming properties.

Peter Almond was recognized. Mr. Almond stated that he was opposed to the proposed Article 32, and that he thought it was bad for businesses.

Mr. McLaughlin said that he did not feel the process of bringing the zoning articles to Town Meeting was adequately transparent. He said that communication needs to be improved in order to keep the public informed prior to important decisions. Mr. Freitas agreed, saying that communication from the Town Hall offices is in need of improvement. Mr. Espindola said that any issue with communication was not from the Selectmen's Office; the zoning articles were petitioned by the Planning Board.

Mr. Espindola motioned to rescind the Board's previous recommendation to "Yield to Petitioner". Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to recommend Indefinite Postponement on Article 32 of the May 7, 2016 Annual Town Meeting. Mr. Freitas seconded. Vote was unanimous. (3-0).

BPW VACANCY

At 7:05 p.m., the Board addressed a vacancy on the Board of Public Works, which was created with the election of former BPW commissioner Dan Freitas to the Board of Selectmen. Applicants for the BPW vacancy were Geoffrey Haworth, Phil Washko and Jarrod Lussier.

Because all three applicants were present at the meeting, the Board decided to conduct interviews that evening.

Geoffrey Haworth – Mr. Haworth was on the BPW for five years. He cited his experience on the BPW as his strength, and said that he would pursue a full term on the BPW in April if the Board of Selectmen appointed him to the vacancy.

Jarrold Lussier – Mr. Lussier has not yet served on any Town committees, but described himself as "passionate" about Fairhaven, and sees a future career in Town government for himself. He is a licensed plumber and available for nighttime meetings.

Phil Washko – Mr. Washko is the former chairman of a citizen's advocacy group that supported the referendum vote for a prop 2 ½ vote for a new Wood School, and was chairman of the Town Government Study Committee. He has also served on the Finance Committee and is an IT director.

After discussion between the Board of Selectmen and members of the Board of Public Works present in the audience, Mr. Espindola motioned to appoint Mr. Haworth, citing his experience for the short term. There was no second and the motion died. Mr. Freitas motioned to appoint Mr. Lussier. Mr. Murphy seconded. Vote carried. (2-1).

KEEGAN FIKE – MILITARY CHILD OF THE YEAR

At 8:00 p.m., the Board met with Keegan Fike to discuss his recent achievement in being one of the recipients of the National Military Child of the Year. Mr. Fike discussed his experiences as a child in a military family. The Board commended Mr. Fike for his dedication to his family and community.

TOWN ADMINISTRATOR’S REPORT

In his report, Mr. Rees informed the Board of Selectmen that the FY16 audit and financial statements were available for review. He said that the reports reflect that Fairhaven’s financial position continues to improve, and that the Town received a clean management report. These documents will be placed online.

Additionally, Mr. Rees said that a recent report indicated that crime was down in Fairhaven. He credited the Police Department’s diligence for contributing to a safer environment for Town residents.

CABLE ADVISORY COMMITTEE

The Board reviewed a letter from Michele Merolla, requesting appointment to the Cable Advisory Committee. Mr. Espindola motioned to appoint Mr. Merolla to the Cable Advisory Committee. Mr. Freitas seconded. Vote was unanimous. (3-0).

YOGA IN THE PARK

The Board reviewed a request from Susan Grace to hold yoga and fitness bootcamps in Cushman Park. The request was previously approved by the Board of Public Works. Mr. Espindola motioned to approve the request. Mr. Freitas seconded. Vote was unanimous. (3-0).

MASS ATTACK ROLLER DERBY

The Board reviewed a request from Charlene Conway of Carousel Family Fun Center to obtain four, one-day beer and wine licenses for May 14, June 4, July 16 and August 13 for a “Mass Attack Roller Derby”. Attendees will be limited to two beers and the serving vendor is TIPS certified. Mr. Espindola motioned to approve one-day beer and wine licenses to the applicant on the aforementioned requested dates. Mr. Freitas seconded. Vote was unanimous. (3-0).

RESIGNATIONS

The Board reviewed letters of resignation from Robert Cormier (Bell Committee) and Carol Tyson (Dog Park Committee). Mr. Espindola motioned to accept the letter of resignation from Mr. Cormier from the Bell Committee. Mr. Freitas seconded. Vote was unanimous. (3-0).

Mr. Espindola motioned to accept the letter of resignation from Ms. Tyson from the Dog Park Committee. Mr. Freitas seconded. Vote was unanimous. (3-0).

BUZZARD'S BAY SWIM AND ONE-DAY BEER LICENSE

The Board reviewed a request from the Buzzard's Bay Coalition to hold their annual Swim the Bay event on June 25, 2016; this year, their request was accompanied by an application for a one-day beer license for participating swimmers. The event will be limited to one beer per participant and the server will be TIPS certified.

Mr. Espindola motioned to approve the event and the one-day beer application. Mr. Freitas seconded. Vote was unanimous. (3-0).

CAR REPAIR/DEALER LICENSE RENEWAL EXTENSION

The Board reviewed a memo from Mr. Rees (Attachment A). In his memo, Mr. Rees recommended the Board consider an extension to the car repair/dealer site plan requirement. Initially, the Board had required all site plans be received by the Selectmen's Office by May 1 in order to receive a license renewal for 2016. Mr. Rees said that several businesses had been in contact with the Selectmen's/Town Administrator's office to say that they had scheduled an engineer to draft site plans, but that the site plans would not be complete prior to the May 1 deadline. As such, Mr. Rees recommended a 60-day extension for the businesses that had attempted to contact the Selectmen/Town Administrator's office regarding the site plans: Alden Buick/GMC, RRR Auto Sales, Sarkis Enterprises (A&A Auto), JR's Auto Shop, Fairhaven Getty, and Dussault Auto Sales. Mr. Espindola motioned to grant a 60-day site plan requirement extension to the aforementioned businesses, and to schedule hearings for the businesses who have made no attempt to comply with the site plan requirements (Auto Diagnostic and Fairhaven Gas/Valero). Mr. Freitas seconded. Vote was unanimous. (3-0).

SPECIAL/ANNUAL TOWN MEETING VOTES

The Board reviewed their recommendations for Special and Annual Town Meeting articles.

- Special Town Meeting, Article 3 "Anaerobic Digester" – Mr. Espindola motioned to support the article with an appropriation of \$15,000. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Special Town Meeting, Article 6 "Sale of Oxford School" – The Board discussed the preliminary plans with the Stratford Group for a 63-unit housing complex for seniors 62 years of age and older. John Medeiros of the North Fairhaven Improvement Association addressed the Board on issues regarding a sidewalk easement and sewer tie-in. Other comments were received from the public regarding an absence of engineering plans and street-view of the proposed Stratford project, prior to Town Meeting. Mr. Espindola motioned to support the "Sale of Oxford School" article at Town Meeting, with Mr. Rees drafting the motion with the help of Town Counsel. Mr. Freitas seconded. Vote was unanimous. (3-0).
- Special Town Meeting, Article 10 "PILOT Agreement with Blue Wave Capital" – the Board will make a vote on this article at the Selectmen's meeting prior to Town Meeting.

- Special Town Meeting, Article 7 “Rogers Disposition” – Doug Brady addressed the Board in regards to the “Rogers Disposition” article, asking the Board to consider the removal of the word “disposition” and reword the motion for the article to be inclusive to the possibility of the Town maintaining ownership of the Rogers School, if a feasible use is found. After discussion, the Board said that it would not rule out future ownership of the Rogers School building. Mr. Espindola motioned to ask Town Counsel to include language in the “Rogers Disposition” motion that would reflect a possible building retention. Mr. Freitas seconded. Vote was unanimous. (3-0).

OTHER BUSINESS

In other business:

- Mr. Espindola congratulated the Whitfield-Manjiro Friendship Society on another successful Cherry Blossom Festival.
- Mr. Murphy praised the recent “Education Foundation” event that was held at Town Hall and hosted by the GNB Vocational High School.
- Mr. Murphy said that the opening day of Little League was enjoyable and he got to throw the first pitch.
- Mr. Murphy offered condolences from the Board to the family of the recently deceased Del Pooland.

At 10:10 p.m. Mr. Espindola motioned to adjourn. Mr. Freitas seconded. Vote was unanimous. (3-0).

Respectfully,
Anne O’Brien
Administrative Assistant
Minutes approved 05/23/2016

Attachment A

April 28, 2016

Memo to: Board of Selectmen
From: Mark Rees, Town Administrator and Lori Pina, S. Clerk
Re: Status Car Dealer/Repair Garage Site Plan Requirements
Cc: Bill Roth, Wayne Fostin

To the Board of Selectmen;

With the deadline of April 30, 2016 upon us, here is an update regarding the status of the Required Site Plan Submittals for Car Dealers and/or Repair Garages.

The following is a list of establishment that the Building Commissioner, Wayne Fostin and Town Planner, Bill Roth, agree should be granted a Sixty (60) day extension to complete their required site plan specifications. These establishments have been complying and working with the town to complete the required site plan updates.

- Alden Buick/GMC, 6 Whalers Way
- RRR Auto Sales, 372 Huttleston Avenue
- Sarkis Enterprises (A & A Auto), 196 Huttleston Avenue
- JR's Auto Shop, 276 Huttleston Avenue
- Fairhaven Getty, 371 Huttleston Avenue
- Dussault Auto Sales/Spring Street Garage, 99 Spring Street

The following is a list of establishments who have not complied with the site plan requirements, and were sent letters specifying what is needed to complete this task to which they have not responded. (Letters sent 3/3/16-Attached)

- Auto Diagnostic, 162 Sconticut Neck Road
- Fhvn. Gas, Inc./Valero's, 130 & 134 Huttleston Avenue
- Roland's Tire Service, 11 Howland Road
- Ray's Fair Repair, 47 Howland Road

We recommend that for their full licensing that a hearing be conducted to consider the revocation of their license for non-compliance with their license conditions. All other establishments, such as Alden Mazda, Guard Enterprises, Sullivan's Tire, Rick's Services, Artistic Auto Body and Howard's Auto Sales have already been approved by the Board of Selectmen.

Thank you.

Sincerely,

Lori Pina,
S. Clerk



Town of Fairhaven
Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023

FAX: (508) 979-4079

March 3, 2016

Auto Diagnostic
162 Sconticut Neck Road
Fairhaven, MA 02719
Attn: George Brownell

RE: Site Plan

Dear Mr. Brownell;

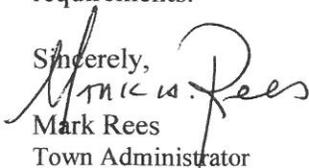
The Town has reviewed your submitted paperwork. The copy of a 1984 land survey plan with hand written notes that was submitted does not meet the site plan standards.

The following standards in part or whole were not addressed:

- Existing conditions such as but not limited to: landscape features, edge of pavement and/or gravel, driveway openings, dumpster, gas pumps and all traffic patterns though site;
- Area(s) that are used or proposed for vehicles being repaired
- Spaces for customer parking and employee parking
- Area and number of spaces that are used or proposed for vehicles that are for sale;
- Any special areas that are used or proposed to store vehicles and number of such spaces;
- Numbers of cars that are within in the garages.

To assist you in better understanding the requirements and what is needed for your particular site, I have requested that both Wayne Fostin, Building Commissioner and William Roth, Planning Director be available to meet with you on site to go over the requirements. Please contact Loreen Pina at (508) 979-4023, Ext. 102 to schedule a meeting. I am also enclosing a copy of the Board of Selectmen's site plan requirements.

Sincerely,



Mark Rees
Town Administrator

cc: Board of Selectmen
William Roth, Planning Director
Wayne Fostin, Building Commissioner

Enc. (1)

cc: File ✓



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Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079

March 3, 2016

Fairhaven Gas (Valero)
130 Huttleston Ave + 134 Huttleston
Fairhaven, MA 02719
Attn: Mr. Bassam Younes, Pres.

RE: Site Plan

Dear Mr. Younes;

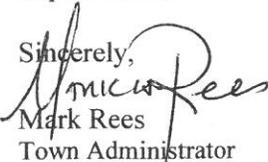
The Town has reviewed your submitted paperwork. The engineered site plan that was submitted does not meet the requirements. The plan indicates 2 employee spaces and 5 used car spaces; however, it does not provide for any customer spaces. There are required landscape planters indicated on the site plan; however, they have been removed. In front of the required planters there is a no parking area; however, two charity drop off boxes are located there.

The following standards in part or whole were not addressed:

- Actual property lines & easements (if any) dimensioned
- Location and size of all existing or proposed structures including any existing structures within 100 feet of the site
- Spaces for customer parking
- Area and number of spaces that are used or proposed for vehicles that are for sale;

To assist you in better understanding the requirements and what is needed for your particular site, I have requested that both Wayne Fostin, Building Commissioner and William Roth, Planning Director be available to meet with you on site to go over the requirements. Please contact Loreen Pina at (508) 979-4023, Ext. 102 to schedule a meeting. I am also enclosing a copy of the Board of Selectmen's site plan requirements.

Sincerely,


Mark Rees

Town Administrator

cc: Board of Selectmen
William Roth, Planning Director
Wayne Fostin, Building Commissioner

Enc. (1)

cc: File ✓



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FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079

March 3, 2016

Roland's Tire Service
11 Howland Road
Fairhaven, MA 02719
Attn: Manager

RE: Site Plan

To Whom It May Concern;

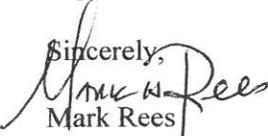
The Town has reviewed your submitted paperwork. No site plan(s) were submitted. The assessor's maps and assessor floor plans were the only information submitted, which do not meet the requirements.

The following standards in part or whole were not addressed:

- Actual property lines & easements (if any) dimensioned
- Location and size of all existing or proposed structures including any existing structures within 100 feet of the site
- Existing conditions such as but not limited to: landscape features, edge of pavement and/or gravel, driveway openings, dumpster, gas pumps and all traffic patterns though site;
- Area(s) that are used or proposed for vehicles being repaired
- Spaces for customer parking and employee parking
- Area and number of spaces that are used or proposed for vehicles that are for sale;
- Any special areas that are used or proposed to store vehicles and number of such spaces;
- Numbers of cars that are within in the garages.

To assist you in better understanding the requirements and what is needed for your particular site, I have requested that both Wayne Fostin, Building Commissioner and William Roth, Planning Director be available to meet with you on site to go over the requirements. Please contact Loreen Pina at (508) 979-4023, Ext. 102 to schedule a meeting. I am also enclosing a copy of the Board of Selectmen's site plan requirements.

Sincerely,


Mark Rees
Town Administrator

cc: Board of Selectmen
William Roth, Planning Director
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Enc. (1)

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TEL: (508) 979-4023
FAX: (508) 979-4079

March 3, 2016

Ray's Fair Repair
47 Howland Road
Fairhaven, MA 02719
Attn: Ray Wasilewski, Owner

RE: Site Plan

Dear Mr. Wasilewski;

The Town has reviewed your submitted paperwork. The site plan submitted does not meet the requirements.

The following standards in part or whole were not addressed:

- Location and size of all existing or proposed structures including any existing structures within 100 feet of the site
- Existing conditions such as but not limited to: landscape features, edge of pavement and/or gravel, driveway openings, dumpster, gas pumps and all traffic patterns though site;
- Area(s) that are used or proposed for vehicles being repaired
- Spaces for customer parking and employee parking
- Any special areas that are used or proposed to store vehicles and number of such spaces;

To assist you in better understanding the requirements and what is needed for your particular site, I have requested that both Wayne Fostin, Building Commissioner and William Roth, Planning Director be available to meet with you on site to go over the requirements. Please contact Loreen Pina at (508) 979-4023, Ext. 102 to schedule a meeting. I am also enclosing a copy of the Board of Selectmen's site plan requirements.

Sincerely,


Mark Rees
Town Administrator

cc: Board of Selectmen
William Roth, Planning Director
Wayne Fostin, Building Commissioner

Enc. (1)

cc: File /

Site Plan Specifications

As required by the terms of this license, the licensee shall submit a site plan drawn to an adequate scale that has been prepared by a licensed Engineer or Land Surveyor. The site plan shall show the following features of the licensed premises:

- Actual property lines and easements (if any) dimensioned;
- Location and size of all existing or proposed structures including any existing structures within 100 feet of the site;
- Existing conditions such as, but not limited to, landscape features, edge of pavement and/or gravel, driveway openings, dumpster, gas pumps and all traffic patterns though site;
- Area(s) that are used or proposed for vehicles being repaired;
- Spaces for customer parking and employee parking;
- Area and number of spaces that are used or proposed for vehicles that are for sale;
- Any special areas that are used or proposed to store vehicles and number of such spaces;
- Numbers of vehicles that are within the building(s) on the premises.

The site plan shall be reviewed by the Board of Selectmen for accuracy and compliance with the specifications set forth above. The Board of Selectmen, in its sole discretion, may require that additional information be provided and added to the site plan. The License holder will be required to submit an updated plan every five years, and when there is a change in the terms of the license with regard to the use of the premises (number or location of vehicles, location of licensed activity, etc.), or a change in the structures or locations described in the site plan .