



COMMUNITY PRESERVATION COMMITTEE

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Town of Fairhaven, MA

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Wednesday, September 1, 2021

1. Administrative Business

Chairman's Welcome Media Notification: Jeff Lucas, Chairman, opened the meeting at 6:30 pm, welcomed all and read the revised Open Meeting Law Statement per the State of Emergency issued by Governor Baker with instructions that public hearings may be conducted remotely via zoom.

Quorum/Attendance: Present: Jeff Lucas, Ann Richard, Gary Lavalette, Beth Luey, Roger Marcoux, Terrence Meredith, Karen Isherwood, Paul Foley. **Absent:** Carol Alfonso and Marcus Ferro.

The Committee welcomed Karen Isherwood, the new representative from the Conservation Commission. She was sworn in September 1, 2021.

Ms. Richard suggested to write directly to Mr. Ferro and the Chair of the Board of Public Works, considering there might be a communication issue.

Action: Mr. Foley to send letter to Department of Public Works (DPW) to review their representation on the Committee. A representative from the DPW has not been present at the meetings.

Minutes: Ms. Meredith made a motion to approve the August 18, 2021 minutes and was seconded by Mr. Marcoux. Unanimous vote with abstentions by Mr. Lucas and Ms. Isherwood.

Mr. Lavalette will be appointed to the CPA from the Historical Commission, rather than Conservation, on September 8, 2021. His discussion with the Town Clerk determined that he can still vote on all previous discussions, but until he is sworn into the CPC as representative from the Historical Commission, he may not vote on current votes before the Community Preservation Committee.

Correspondence: There will be a tree tour with the Tree Warden on September 7, 2021 at 5:00 p.m. The Town Planner will be drafting a bylaw for the next Town Meeting to define the role and responsibilities of the Tree Warden as well as make sure all actions are noticed and recorded. The Town Planner believes the recent tree cuttings were not done according to the law and we need to make sure it never happens again. The Town Planner will also be applying for a grant to do a comprehensive tree inventory, leading to the creation of Management Plan. The inventory will help identify and manage issues with the trees and propose trimming and other measures to be taken before a tree becomes a hazard.

Action: Mr. Foley is to forward an email to the Boards regarding the meeting with the Tree Warden.

There was a discussion regarding a potential conflict of interest with the Preservation Committee's presence at the meeting with the Tree Warden. Mr. Lucas does not see a conflict of interest with the Preservation Committee's presence. The CPC is not a governing body for the Tree Warden. It would only fall under the CPC jurisdiction if he was looking for funding. Attending the event as individuals of the town and not as an official group should not present a problem.

Ms. Richard stated she received an invitation to the meeting with the Tree Warden as a member of another committee. She made Mr. Foley aware of the representatives from different committees who may attend and pose a conflict of interest. She was concerned there would be a conflict of interest with the Planning Board, since they are writing the bylaw.

Mr. Foley stated the grievance he has is with the recent process to remove trees. He is currently working on a bylaw. The issue with the removal of Trees will be on the September 13, 2021 Select Board agenda. The grant money he is looking at requires a 50% local match which he will be asking the Select Board to support.

The 2004 Streetscape Guidelines specified that historic trees are a large part of the town's historic character and community preservation. The project also advised the town to hire a full-time arborist to prune and preserve. It is imperative to do a tree inventory and employ experts to help us develop a plan.

Ms. Isherwood stated the Conservation Commission will be going on the tour.

Mr. Lucas does not think the CPC has any conflict of interest, especially since it is a public informational event. He understands each Board and Committee has different circumstances and should use their own discretion. Mr. Lavalette stated the committee simply cannot discuss policy or make decisions during the tour. Ms. Richard suggested the tour be posted as a meeting in case there is a quorum and discussions arise. Mr. Lucas does not think it is necessary for the CPC, though it may be prudent for the Planning Board to do so.

2. General Business

CP-3 Community Preservation Projects Report:

The CP-3 Report is a state listing to track all Community Preservation Projects across the state. It is due on the second week in September but Mr. Foley has already added last year's appropriations. Mr. Lucas asked if the Coalition also tracks these listings. Mr. Foley informed the committee that notification goes to the state but that he also let the Community Preservation Coalition know.

Letter of Interest Form (LOI), Applications and Guidelines:

Mr. Foley sent a press release to the Fairhaven Neighborhood News about the new Letter of Interest (LOI) option and posted it to the town website along with guidelines and the application, which will also appear in the paper September 2, 2021. Mr. Foley will send the draft plan (before the next meeting on September 22, 2021) for suggestions and additions to the application. Mr. Foley changed the criteria page into a more comprehensive checklist, where the applicant is able to check off all that apply to their project and add a not to add a description in their narrative. The 2022 deadline for full applications is October 15, 2021.

Ms. Richard raised a concern about the open space checklist. Under the open space criteria, it asks if the project is within 100 feet of wetlands or 200 feet of a river. She questioned the applicability of adding additional

jurisdictions or simply adding a line that says please consult with Conservation. Ms. Isherwood believed if the project is within buffer zone to add to the checklist that Conservation needs to be contacted. She is unsure of what preservation has done in the past. Ms. Richard stated that the checklist is new and suggested the "have you discussed with Conservation?" question be added.

Ms. Isherwood added that there are a multitude of jurisdictions beyond these two and it can get complicated, so general notice may be most appropriate.

Ms. Luey agreed and thinks the general criteria should ask for notice of intent. Mr. Foley concurs it should be phrased as generally as possible to encompass all jurisdictions. Mr. Lavalette believed the committee has always checked with other boards.

Mr. Lucas stated that this is the reason for representatives from various Boards on the CPC. The Committee cannot assume the applicants know answers to all these questions, such as wetland boundaries and what constitutes a river or stream. The job of the Committee is to investigate and direct them to have the proper commission review the proposal.

Mr. Lavalette mentioned the auctioning of 40 properties. Some of these sites are not buildable. Once purchased there is no going back, so purchasers need to do their homework. Mr. Lucas added it is a matter of bringing the project into focus so they double check, but the Committee should conduct their own due diligence as well. He sees no problem in writing another line stating check with other commissions.

Ms. Isherwood stated flood zones are also under Conservation, but might be under FEMA on the application. She also added many delineated lines have expired. Mr. Lucas specified that town boards must go through Conservation for their projects. Even the DPW will need to get permits. Ms. Isherwood stated sometimes they are not required for maintenance. Mr. Lucas confirmed we do not give out money for maintenance, only for restoration.

Mr. Foley suggested we add to the checklist "please list permits that may pertain to the project." Ms. Richard stated the LOI will help this process. These letters will allow for a review process and the ability to make suggestions to the applicant before they complete the application.

Mr. Lucas asked the board if there are any questions on the application form? Mr. Foley added two questions related to Ms. Richard's request, in the second to the last bullet on the Historic Preservation criteria: "Does proposal conform to the Secretary of Interior's standards for the Treatment of Historic Properties? Has previous work on the building conformed to the standards?"

Ms. Isherwood had a comment under the affordable housing criteria. She asked if there should be a question regarding new structures and if the site is free from and not neighboring any environmental hazards. Mr. Lucas suspects that preservation would not be giving much towards new buildings anyway. The committee's jurisdiction would be superseded by state and local building codes.

Ms. Richard sees new structures as an opportunity to ask about renewable energy. Mr. Lucas sees no problem adding this, but sees it as unlikely. Mr. Foley thinks Ms. Isherwood's suggested line, in regards to new structures, should be placed in the first bullet under environmental questions.

Action: Mr. Foley to add, under the housing criteria, if new construction or renovations will utilize renewable energy. He will make the first bullet ask if new or renovated and the second bullet will ask if the project includes renewable energy.

Mr. Lavalette asked if the application should ask if the project will be detrimental to the area or change the area to any magnitude. Ms. Luey believed this statement is too vague. Mr. Foley confirmed the general checklist already asks if it will impact the area.

There was a discussion on the number of application copies required. The Committee agreed to require 6 copies with 1 digital copy.

Mr. Meredith made motion to accept the application as adjusted and Ms. Luey seconded the motion. The vote was unanimous with one abstention by Mr. Lavalette.

Draft FY23 CPC Plan:

Mr. Foley detailed the additions to the draft of the CPC Plan. There will be public hearing on September 22, 2021 to go over the spreadsheet matrix, which will include how much the Board has received from surcharge and the state. The town has not received money this year, but it looks like a busy real estate year so we should have a good amount this year. He noted that the total amount generated over the years will go over \$8 million when we appropriate. Overall over the years the town has appropriated more money than we have received but since not everything is completed and some things have been turned back we still have money in the account. Last year the CPC appropriated more money than ever.

Currently Planning is working on a redevelopment plan in the Route 6 and 240 area and is hoping to have a 40R overlay in the plaza area which allow more housing (20% of which would need to be affordable). The housing market has changed dramatically in the last year, due to Covid-19 and short-term rentals (STR). The Town has adopted a short-term rental bylaw, which makes sure the STR have to be safe and registered and also limits the total amount of them.

Mr. Foley presented a matrix, which included the total trust fund distribution, total revenue, and appropriations comprised in the matrix. Trust fund distribution percentage went down for years but has been going back up the past few years. We are expecting a 28% state match this year.

Action: Mr. Foley to send out draft of the CPC plan and post on the town's website. The draft will be further discussed during the September 22, 2021 public hearing.

Action: Mr. Foley will review figures and statistics to update prior to the public hearing.

Ms. Richard wanted to reiterate that the LOI are due on September 17, 2021 and Mr. Foley is to send LOI and application to the Board for review on the next agenda.

3. Future Meeting Schedule

The next meeting is scheduled for September 22, 2021.

Ms. Richard made motion to adjourn and was seconded by Mr. Meredith; vote was unanimous.