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Fairhaven Planning Board  
*Minutes*  
Tuesday September 24, 2019 @ 6:30 pm  
Town Hall, 40 Center Street,  
Fairhaven MA 02719

FAIRHAVEN,  
MASS.

**1. General Business:**

**a. Chair's Welcome and Media Notification**

**b. Quorum/Attendance:** John Farrell (Chairman), Ann Richard, Rene Fleurent, Wayne Hayward, Jeff Lucas, Jay Malaspino and Geoff Haworth Absent: Cathy Melanson.  
Planning Director, Paul Foley was also in attendance

**c. Minutes:** from September 10, 2019; Rene Fleurent made a motion to approve the minutes, seconded by Ann Richard this motion passed unanimously. Jeff Lucas asked that line 30 be rephrased. Mr. Hayward explained that he believes that only the uses that are in the table are allowed.

**d. Bills:**

- a. GCG- Hiller Timothy Project Peer Review \$3,795.00. Ann Richard made a motion seconded by Geoff Haworth; this motion passed unanimously.

**e. Correspondence:** letter from Jerry Rogers

Mr. Rogers is looking to buy a property in the Business District and develop a self-storage business on the site. Mr. Foley suggested to Mr. Rogers that he write a letter to the Planning Board to make sure it is an allowable use before he spends a lot of money. The Planner put together a report regarding the potentially relevant codes to the project since the specific use of "self-storage" is not in the code book. He said that the Building Inspector interpretation was that self-storage is a retail service.

If it is deemed that the project is an allowable use, then it will still need a Special Permit because of all the alterations to the site. These documents were given to the board.

Rene explained that he sees a big difference between the retail service and self-storage. Self-storage should be added to the Use Table and definitions.

Wayne Hayward explained that this may be a good fit for this particular site but not for most sites in the Business District. He would not want to set a precedent that allows these to pop up anywhere in the Business District. He feels they belong in the Industrial District.

John Farrell questioned the square footage. Paul Foley explained that the proposal would be for a 33,000 sf footprint and three floors built in three phases. It will be a big building with well over 500 storage units when it is done.

John Farrell states that it seems like bulk storage to him. Paul Foley provided the definition of bulk storage. Jeff Lucas expressed his concerns with bulk storage in the Business District.

Wayne Hayward said people are stretching to find a definition in the codebook to fit storage units, but we simply do not have one. If it is not specifically allowed, then it is prohibited.

Ann Richard felt that if they went the route of rezoning it could be viewed as spot zoning.

Mr. Rogers explained that all the questions that you have are relevant. However, the self-storage industry is taking a turn, 65 percent of customers are women. The Town of Falmouth put restrictions on outside storage, what would be put there is an enhancement to what is already there now. There would not be a lot of traffic. It would be a three-level building that will be climate controlled. The people that will primarily be using the service are homeowners. The project would be low impact, the hours are reasonable and the project is negotiable as far as the lighting and landscape etc.

John Farrell noted that this location might be alright but would not want to set a precedent. He asked if the applicant could petition the Town for a zoning change? It was noted that they would need to collect a hundred signatures to get on the warrant and get 2/3 to vote for it at the Town Meeting.

Geoff Hayworth states that he believes the self-storage use should come under warehousing. Mr. Rogers was asked what it was permitted under in Falmouth. Mr. Rogers said in Falmouth his permit is under warehousing. John Farrell agreed that the closest thing we have in the Use Table is warehousing and that it was not currently allowed in the Business District. He added that it seems the only choice now for this location would be that the Applicant take it to Town Meeting.

Ann Richard expressed concerns that the abutters might have and there is no guarantee that Town Meeting would be a done deal.

**1. Public Hearings:**

SP- 19-09: Benny's Retrofit; plan to remove front portico to create 18 additional parking spaces and divide the space into several commercial tenant units.

Dave Taglianetti of the Carpiolato Group and his engineer Sam Hemenway were in attendance.

Mr. Foley presented a staff report and slide show showing the site map and aerials of the location as well as plans and elevations. The proposal is to remove the front portico of the existing building to create 18 additional parking spaces adjacent to the building and divide the remaining space into several commercial tenant units. The former Benny's Building is a pre-existing non-conforming building built in 1952. It is non-conforming with the front setback and impervious lot coverage. The abutting property, now Delken Cleaners and Douglas Liquor, was denied a 22,000 sf addition in 1991 by the Planning Board. It was then approved for a 15,800 sf addition in 1993 which was built in 1994.

The Landscape Plan shows 4 new Honey Locust along the street in front with 2 Yoshino Cherry flanking them on the street and 2 at the front corners of the building with some inkberry and rose. The plan also shows 5 new Swamp Maples on the rear property line along Spring Street.

The key planning Issues are Lot Coverage and traffic. The proposal slightly improves the lot coverage non-conformity but the lot is still over 87% paved or impervious. The property also has far more parking spaces than necessary yet is adding parking to be more convenient.

Dave Taglianetti explained the concept of the plan. The existing Benny's building is 25, 000 sf and will be a little over 22,000 sf when they are done. Dave explained that there is one owner, The Carpiolato Group (CGMA) for all three parcels so there is no need for an easement. They have long term leases with the current tenants. It's been

difficult finding tenants to occupy the whole building, so we decided to do smaller tenants. We are cutting 25 feet off of the front to add parking and make the space more manageable for the smaller stores.

Ann Richard expressed concerns with the look and putting so many parking spots between every door. She noted that the Historical Commission was here recently and asking why we approve buildings that look like this. We want the area to look better, it looks like a strip mall.

Mr. Taglianetti explained that he wasn't aware the Board had purview over the design. He asked how we can come to a consensus as to what looks good?

John Farrell addressed the public for comment

Wayne Hayward said he thought the Historical Commission was looking for a more village type of look. His concern is with parking. The size of spaces should be identified on the plans. The aisle width at the end of the parking spaces should be 45 feet and should be identified on plan. He also asked if they were doing anything with storm water or if there were any changes? Dave Taglianetti said they were just adding an additional catch basin up front.

Jeff Lucas asked if there were any way of getting more of a grass buffer in front along Route 6. He would like to see a more substantial green space along the road. Dave Taglianetti said you need to have sufficiently wide landscape areas that are a minimum of 6 feet wide for trees to do well. We have some landscape islands that may be too narrow in some parts and we will try to get another 3 feet in those islands rather than in the front.

John Farrell asked about Spring Street and whether the trees are in the town layout.

Geoff Haworth asked if the sign is being removed. There was a discussion regarding signage of the plaza and the replacement of the pylon sign. John Farrell asked about trash removal and the dumpster. Geoff Haworth recommends that the dumpsters are enclosed to keep trash from ending up in the neighborhoods. Dave Taglianetti said they would make sure revised plans show all dumpsters contained within an enclosure.

Jay Malaspino questioned whether the proposed cutback of the building 25 feet was for structural reasons. The answer was no. Jay then asked if they could move it back a little more to accommodate the new parking and an enhanced planting strip in front. Dave Taglianetti said it is too late to do that now because they have the signed lease with O'Reilly's and any change could potentially put that in jeopardy.

Dave Taglianetti said it's apparent that there are modifications that need to be made and asked if it would it be possible to file for a demolition permit because we have a delivery date. The Board preferred to see this project through. There was a discussion whether to get applicant to be reheard in the next meeting.

Wayne Hayward made a motion to continue public hearing to October 8, 2019 seconded by Rene Fleurent, this motion passed unanimously.

2. Current Planning:

- a. **Demolition Delay continued discussion.** This is regarding the draft general bylaw for the Special Town Meeting on November 12, 2019. There will be a joint public hearing with the Historic Commission on October 16, 2019.
- b. **Benoit Square Mixed-Use Zoning public hearing scheduled for October 22, 2019.**

Discussion regarding mailings and abutters. The board discussed the public hearing and that the properties within the district should be sent certified mail and the nearby abutters can be sent a letter by regular mail.

- c. **Receipt of plans: SP 2019-11 Off the Hook:** There is a proposal by the new owner to replace the tent with a pavilion in order to be safer for storms. The Planner became aware of the proposal and indicated that the property is subject to a 2005 Special Permit that should be brought up to date with all permits in conforming to the same plan. The Public Hearing will be on the October 22 agenda. The current owners got appropriate permits and licenses from a number of Boards but the business grew a bit since it was last reviewed and approved under the Special Permit by the previous owners in 2005. The new owners have done everything they were asked but did not realize that the property operates under a Special Permit and that the property did not reflect what was allowed in 2005. The Town Planner asked the owners to come in and apply for a modification to the 2005 permit.

The Building Inspector wants more of a permanent pavilion to withstand storms. James Moraux, owner of Off the Hook Restaurant, spoke about the permitting process.

- d. **Receipt of Plans: RZ 2019- 01 Crow Island rezone from RA to MU on the October 8, 2019.** They want to rezone to Mixed-Use to do events on the property. The hours of operation will be the main issue. They have to get a recommendation from the Planning Board for the November town meeting and have to go through the Select Board office in order to get on the Town Warrant.
- e. **Review of plans: DS 2017- 08 Earle Street:** covenant release and modify two conditions.

Paul Foley provided a slide show regarding the concept of plans and proposed modifications. They have added the street sign but do not have a dead-end sign and are asking for a modification to not put up a dead-end sign. They also have an overhead wire and were conditioned to have underground so they want that modified as well. Furthermore, they have not planted the street trees that are shown on the plans.

Discussion ensued about the covenant release. Wayne Hayward also noted the pile of debris that is still left on the property.

Jeff Lucas made a motion to approve the release of the Form E Covenant of Earle Street subdivision and modifications of two conditions seconded by Ann Richard. Six members voted against the petition and one abstention which was Geoff Haworth. The request to modify two conditions failed and the covenant release was not signed.

- f. **Signing of plans: Covenant release form; 1 Judson drive**

Wayne recused himself who is an abutter.

The Town Planner explained that this was an empty lot and they got a variance and subdivided it into two lots. They did do the covenant, they did get a Certification of Occupancy and in 2013 they did the Form D and now they are trying to sell it.

Discussion ensued where the electricity connects to which location. This property was also conditioned to have underground utilities and there appears to be a new utility pole up the driveway and then the utilities go underground from there. The Board felt it would be difficult to not sign the

previous one and then go and sign this one. Paul Foley said he would investigate why they brought the pole in and then went underground. There might be a good reason in this case.

Ann Richard made a Motion to sign a covenant Release of 1 Judson drive (back lot) seconded by Jeff Lucas, this motion failed with two members in favor and four members in opposition.

Wayne Hayward rejoined the meeting at 8:51

**Long Range Planning:** Update from town planner Paul Foley. He provided a brief report about the Historic Preservation Conference that he and Ann Richards attended.

Geoff Haworth made a motion to adjourn at 8:56 p.m. seconded by Mr. Lucas, this motion passed unanimously.