

July 9, 2019

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Planning Board

Minutes

Tuesday July 9, 2019

Town Hall, 40 Center Street,
Fairhaven MA 02719

2019 DEC 11 P 2:31

FAIRHAVEN.
MASS.

1. GENERAL BUSINESS:

Acting Chair Ann Richard opened up the meeting at 6:32 p.m. and informed the public that the meeting was being televised and recorded.

- a. *Attendance:* Rene Fleurent, Ann Richard, Geoff Haworth, Jay Malaspino, Wayne Hayward, Jeff Lucas *Absent:* Chairman John Farrell and Cathy Melanson. Town Planner, Paul Foley was present.
- b. *Minutes of June 25, 2019*
Jeff Lucas made a motion to approve the minutes from June 25, 2019, Seconded by Rene Fleurent, this motion passed unanimously.
- c. *Bills:* none
- d. *Correspondence:* none

2. PUBLIC HEARINGS:

- a. DS-19-02: Barboza Single Lot Sub- division to create one buildable 7.752- acre lot on an 8.07-acre parcel of land off of New Boston Road on Map 40, Lot 26. The new road will occupy 10,460 square foot and a small 3,750 square foot parcel around an existing shed will be attached to an abutting property.

Mr. Barboza and Engineer Alan Ewing were present.

Mr. Foley gave a brief staff report on the Definitive Subdivision plan with the details of the plan. The site is in the Rural Residential District. Requires a minimum lot size of 30,000 square feet, 140 feet of frontage and 24,000 Square feet of contiguous upland. The property also lies within the Nasketucket River Basin District which has a boundary line parallel and 300 feet east of New Boston Road. This district places limitations on uses in the district. The proposed single family use is within the watershed district.

The proposal is to create a single buildable lot out of land that has traditionally been farmed. The proposal would create the required 140' frontage for the lot by creating a hammerhead at the new gravel extension of a 50' wide farm road to create access for the one 3-bedroom dwelling. The applicant has expressed an interest in continuing to farm the rest of the property. The proposed finished grade of the dwelling is nine (9) feet above the existing grade requiring a significant amount of fill to construct the road and dwelling.

The Applicant is requesting the following waivers from the procedures for submission of Definitive Plans:

- Section 322-14.D: Waiver of Additional Subdivision Submittal Requirements:
 - 1.: Waiver of Environmental Impact Analysis required for all subdivision over 10 acres and those in the Nasketucket River Basin District NRB;
- Section 322-17: Waiver of Sidewalks;
- Section 322-25: Waiver of Street Trees;
- Section 322-26: Waiver of Stormwater Management;
- Section 322-27A: Waiver of Watermain and Hydrants;
- Section 322-30D: Waiver of Bituminous Concrete Paving;
- Section 322-32: Waiver of Curbing and Cape Cod Berm;
- Section 322-33A: Waiver of Driveway Approach Areas from the edge of the roadway to the edge of the Right of Way shall be concrete.

Notes on the plan indicate that "This is a one lot subdivision and owner Jonathan C. Barboza states that no further subdivision will be allowed". There are wetlands located on the property in the northeast corner. The proposed area of construction would be outside of the 100-foot buffer zone. However, there has been work and cutting and what looks like trailers within the 100' buffer behind what is shown on the plan as the tree line. There is also a structure and multiple vehicles shown on aerial photos on the lot that is unidentified. No information has been provided as to what the structure is nor is it shown on the plan.

The Key Planning Issues include:

- Waivers: Should the single lot subdivision be granted the requested waivers from procedure?
- Environmental Analysis: In particular, should the single lot subdivision be granted the requested waiver from doing an Environmental Impact Analysis which would otherwise be required because it is in the Nasketucket River Basin District?
- Wastewater: Septic system will require filings with the Zoning Board of Appeals.
- Fill: How much fill is required? Where will the fill come from?
- Future Use: Does the configuration of the proposal maximize the remaining land to be farmed?

Rene Fleurent questioned some of the structures that were shown on the aerial picture. Mr. Barboza said that they were transport trailers. Mr. Barboza explained where the fill will be bought and declared that it will be natural clean soil.

Wayne Hayward went into detail about a paved apron to the road and the need for a name for the street. He also explained that the paved apron was a requirement. Jeff Lucas had a question about the hammerhead. Wayne Hayward explained that a septic system in an RA District requires a Special Permit.

Rene Fleurent questioned the development and the need to be developed to code. He also questioned possible future expansions. He thought the waivers should not be granted so that it would be in place for further subdivision.

Wayne Hayward said that he is okay with the list of waivers as long as there actually is no further subdivision. The list of waivers should be included in the decision to

make sure that the subdivision, if approved, is not further subdivided without all of the infrastructure that would be included if they planning board normally requires. Jeff Lucas added that all necessary information should be included in the decision.

The Town Planner explained that he will include the notes and waivers on the plan, and any other relevant information in the decision. Wayne Hayward made a motion to close the public hearing of DS-19-02, seconded by Rene Fleurent, this motion passed unanimously.

- b. DS-19-01: Pappas/ Rodrigues Definitive subdivision off of Hiller Avenue and Timothy Street for 16 buildable lots and two drainage parcels on a 10.8-acre parcel of land. The location is Map 28C, Lots 71 and 71 A. The proposal is to create frontage for the 16- lot sub-division by creating three new dead-end roads off of Hiller Avenue and Timothy Street.- **Postponed until August 13, 2019**

Ann Richard opened the public hearing of DS-19-01. Anne Richard explained that the public hearing will be continued, without taking any testimony tonight, until August 13, 2019.

Wayne Hayward made a motion to continue the Public Hearing of DS-19-01 until August 13, 2019, seconded by Mr. Lucas, this motion passed unanimously.

3. CURRENT PLANNING:

- a. Cellco d/b/a Verizon vs Town of Fairhaven Planning Board- Discussion

Ann Richard explained that the board voted last meeting and they were waiting to hear from Verizon.

- b. Receipt of Plans-None
- c. Review of Plans- None

4. LONG RANGE PLANNING:

- a. Town Planner update

Mr. Foley provided a brief update to the Planning Board. He gained access to the town website recently and uploaded the Fairhaven 2040 Master Plan. He is also working on the report for the short term rentals and that he will provide a draft report to the Board at the meeting at the end of August

He and the Harbormaster submitted a grant to the Dams, Seawalls and Levees program for the Union Wharf. He also mentioned that a police officer asked him for

assistance getting stop signs restored at the Dunkin Donuts plaza. He wrote to the project manager and the owner of the plaza who got back to him immediately. The Stop Signs were installed and the owner was very receptive to ideas about a redevelopment study in the area.

Jeff Lucas reminded the Board and the Planner that the Master Plan calls for them to consider a Demolition Delay

Mr. Hayward made a motion to adjourn at 7:12 p.m. Seconded by Rene Fleurent, this motion passed unanimously.