



FAIRHAVEN PLANNING BOARD

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4023

Planning Board Minutes
Tuesday, January 10, 2023

FAIRHAVEN TOWN CLERK
RCUD 2023 JAN 30 PM 1:05

1. **GENERAL BUSINESS:**

- a) **Chair's Welcome and Media Notification:** Vice Chairperson, Ms. Melanson opened the meeting at 6:31 pm and advised who was present. She also 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 until March 2023.
- b) **Quorum/Attendance:** Present: Cathy Melanson, Jessica Fidalgo, Kevin Grant, Jeff Lucas, David Braga and Sharon Simmons. Wayne Hayward and Rene Fleurent both were on Zoom.

Absent: None

Town Planner, Mr. Foley was also present.

- c) **Minutes:** December 13 2022: Jeff Lucas made a motion to accept the minutes of December 13, 2022 and was seconded by Jessica Fidalgo. Mr. Hayward stated some of the vote numbers are incorrect and should be 6-0, not 5-0. With amendments, Ms. Fidalgo seconded the motion; and it passed unanimously.
- d.) **Planning Board Bills:** None
- e.) **Correspondence:** None.
- f.) **Planning Board and Department Annual Report:** Mr. Lucas made a motion to accept the annual report which was seconded by Mr. Grant. The motion passed unanimously. (8-0-0).

2. **PUBLIC HEARINGS:**

- a) **DS 2022-01 Starboard Drive Definitive Subdivision:** Continued Public Hearing on a proposed 8-lot subdivision on Starboard Drive with 9.5 acres and the five existing cottages.

Mr. Foley stated the applicant requested a continuance to January 24, 2023, as they haven't responded to the peer review as of yet.

Mr. Lucas made a motion to continue DS 2022-01 Starboard Drive at the applicant's request without taking testimony to January 24, 2023 and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (8-0-0).

- b) **DS 2019-01: Timothy & Hiller Avenue:** Continued hearing on a Remand Review of a previously denied subdivision after Joint Motion to review a revised conceptual 15- Lot Subdivision Plan.

Mr. Foley said that on Friday they received revised plans and the applicant's response to the 3rd peer review of December 30, 2019. Mr. Foley, Ms. Melanson and Ms. Fidalgo had met and stated that because not everyone would have the opportunity to review everything, they decided it was best to ask the applicant to continue. The applicant agreed and asked to continue to the next Planning Board meeting to give time for the Board to review the revised plan and response to the peer review.

Mr. Lucas made a motion to continue DS 2019-01 Timothy & Hiller Subdivision Remand Review without taking testimony to January 24, 2023 at the applicant's request and was seconded by Mr. Grant. Mr. Foley said that if anyone wanted to do a site visit it has to be organized. The motion passed 6-2-0 with Mr. Hayward and Mr. Fleurent in opposition.

3. OTHER REVIEWS:

- a) **ANR 2023-01 – 62 Manhattan Avenue:** A Form A proposal to break up a long lot fronting on Manhattan Avenue with approximately 300' of waterfront into 7 lots, such that the primary lot would still be conforming but the other non-buildable, non-conforming lots could be conveyed to abutters giving them waterfront access.

Mr. Foley reviewed this ANR with a slide to advise what they want to keep and break apart.

Mr. Lucas said he had concerns that six small land locked lots are being created as non-conforming and wondered what if the neighbors don't want it.

Mr. Hayward stated that the ANR was not prepared according to the Fairhaven regulations. He said that all six lots that broke apart would have to say unbuildable on them with specific language in the regulations. He said he would not be endorsing this ANR as this does not meet the planning regulations.

Mr. Lavalette asked to speak as a member of the Conservation Commission. He said that Conservation is doing a lot of scrutinizing beach front properties. These properties would have to go to Conservation to be allowed to do anything such as creating a new beach access. He said he would take a ride by the property tomorrow and report back to Mr. Foley with his findings.

Ms. Simmons asked a question about conservation and a beachfront lot.

To which, Ms. Karen Isherwood (as Vice Chairperson of the Conservation Commission) said that under the by-law and Conservation regulations if you don't already have a walking path you would have to go to Conservation. You also cannot trim or cut existing vegetation or remove rocks without going to Conservation. Virtually any cutting or digging activities would put them in the jurisdiction of the Conservation Commission.

Mr. Lavalette asked if they would be voting on this tonight. Ms. Melanson said that it's an ANR plan that they are seeing for the first time and they are only just hearing about it.

Mr. Hayward reiterated this is a Form A application and has nothing to do with Conservation. He said they are here to approve or deny the ANR only; it is not a preliminary plan.

Mr. Hayward made a motion to deny the ANR. Mr. Fleurent stated he was confused why they were discussing anything with Conservation if this was an ANR. Mr. Hayward asked Mr. Foley when the ANR was stamped in and Mr. Foley said he received it today.

Mr. Hayward withdrew his motion. He said this is strictly about property lines and has nothing to do with Conservation.

Mr. Foley said he would communicate with the Surveyor what needs to be done to the plan to get it endorsed as an ANR Form A plan. The notes as stated in the regulations about these not being buildable lots and the issue with creating land-locked lots. They should show a dotted line along the east to show the lots are going to the neighbors.

4. CURRENT PLANNING:

Mr. Foley updated the Board on 40R and the discussions with the focus group. He said there have been a lot of good discussions and they'll be a meeting next Wednesday at 4:30 p.m.

Ms. Fidalgo asked that at the next 40R meeting, perhaps the lots owners be outlined on the plans as it would be less intimidating for people to review.

Mr. Foley agreed that in the short term there are places that won't be developed. He said they may shrink the District down to two to three plazas. He has put a question in to DHCD about whether a cap on the total number of units would work with a larger area.

Mr. Foley reviewed the grants that Planning Board helped get, over \$3,000,000 last year alone.

Mr. Foley received a technical memorandum regarding Benoit Square from SRPEDD. He said he hopes to meet with the State in the next few months.

Mr. Foley stated that he is working with the DPW to get a scope of work done on Bridge Street so they can take advantage of funds in the Transportation Bond Bill.

Mr. Foley said that Mr. Geoff Sullivan was present and would like to see a light pollution by-law in Town, for light trespass. He said that Special Permits are always conditioned, and this would be a general by-law in Town. Mr. Sullivan submitted some examples and requested that we look into it to perhaps create this bylaw.

Mr. Sullivan stated that he has done some research into local towns that have this bylaw and discussed it with the board. He said some lighting is commercial and residential and it doesn't do any good for the neighborhood. He said he brought it to Mr. Foley as he wasn't sure how to bring it to Town Meeting.

Ms. Fidalgo made a motion to adjourn at 7:17 pm and was seconded by Kevin Grant. The motion passed unanimously via roll call vote. (6-0-2). Mr. Fleurent and Mr. Hayward could not be heard.

Respectfully,

Patricia A. Pacella
Recording Secretary