

Planning Board Minutes
Tuesday, February 28, 2023

1. **GENERAL BUSINESS:**

- a) **Chair's Welcome and Media Notification:** Chair, 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 through March 2023.

Quorum/Attendance: Present: David Braga, Jeff Lucas and Sharon Simmons in the banquet room. Wayne Hayward and Jessica Fidalgo were on Zoom. Town Planner, Mr. Foley was also present.

Absent: Cathy Melanson, Kevin Grant and Rene Fleurent

- b) **Minutes:** February 14, 2023: Mr. Hayward made a motion to accept the minutes of February 14, 2023, and was seconded by Mr. Lucas. The motion passed unanimously. (5-0-0).
- c) **Planning Board Bills:** None.
- d) **Correspondence:** None

2. **PUBLIC HEARINGS:**

- a) **DS2022 – 01 Starboard Drive Definitive Subdivision**

Mr. Foley stated the applicant has requested a continuance until March 28, 2023.

Mr. Lucas made a motion to continue 2 Starboard Drive to March 28, 2023, per the applicant's request. The motion was seconded by Ms. Fidalgo. Mr. Hayward made a comment that stated he doesn't know how the neighbors are keeping up with this project as they continue to request a continuance. The motion passed unanimously. (5-0-0).

3. **RECEIPT OF PLAN:**

- a) **Preliminary Subdivision: Two existing lots on an unaccepted stretch of Lincoln Drive and Jason Terrace**

Mr. Foley reviewed the proposal. Chris Farland of Farland Engineering was present for the applicant. Mr. Foley reviewed where the existing lots are located on the end of Rt. 240. The stretch paper road between Lincoln and Jason Terrace is not a road and they therefore need to come to the Planning Board to create frontage and a road standard. He said he has been doing some research on the property and contacted DEP regarding a filing from 1987 that has the southerly property listed as having an Activity Use Limitation (AUL) due to gasoline found in the ground that had leaked from the former gas station at 200 Huttleston. He went over a slide deck that showed the northerly lot is mapped as a hydrographic connection and pointed out the proximity to Route 240. Mr. Foley has reviewed with DPW and forwarded their comments. He also visited the site with the Conservation Agent who determined no wetlands on the property.

Mr. Farland is the engineer and petitioner as principal of Seaport Homes LLC and reviewed the project. He said the lots meet the zoning and area for frontage. He said the lots are existing and he does not believe the site has any limitations to it. He had Brad Faneuf of Eco Solutions confirm there are no wetlands on the site and they have filed with Conservation for a determination. He reviewed the turn-around for fire engines and have discussed with the Fire Chief. He said the two lots will have Town Water and Sewer.

Mr. Farland reviewed the waivers they will be asking for. He reviewed the street trees proposed.

Mr. Lucas asked if there would be any re-grading where the debris is currently.

Mr. Farland said they would be cleaning up the debris, but they want to keep the buffer as much as they can and are proposing a few more evergreens for a buffer from sound.

Mr. Hayward said he would like to see a more complete neighborhood. He said the flow might work better with the two roads connected. Mr. Hayward asked about the ownership of the lots. Mr. Farland stated it is the same family that owns the lots, he said he does have a purchase and sales to purchase both lots.

Discussion on drainage on and near the property from Rt. 240.

Ms. Fidalgo also had concerns about the road and Ms. Simmons agreed the road should be connected.

Mr. Foley said he will follow up with DEP.

Mr. Hayward made a motion to deny the preliminary plan based on no connection throughway between Jason Terrace and Lincoln Drive and it was seconded by Jeff Lucas. On the motion, Mr. Lucas added they need to address the DEP issues first. The motion passed unanimously. (5-0-0).

b) Shirley Street – Street Discontinuance: Petition from Select Board for Planning Board Review and Comment.

Mr. Foley stated the Selectboard has not scheduled this as of yet. DPW said they will be looking for an easement. Mr. Foley said he could write a letter with the members comments as previously discussed.

c) Chapter 91: 2 Oxford Street

Mr. Foley reviewed the ZBA approved the pier but that he does not sign the Chapter 91 until the Planning Board has seen the plans and has a chance to comment. He explained it is for a dock at 2 Oxford Street and that the ZBA issued the approval with several significant waivers to the Docks and Piers Bylaw. Historically there had a dock at the end of Oxford Street but not for a long time.

Mr. Hayward stated he thinks it needs to be worded pretty strongly. He reviewed the zoning by-laws and what the Board of Appeals approved on this project. He said there is no hardship and should've never been approved.

Mr. Braga said he agreed with Mr. Hayward and that he cannot see the hardship and that it appears projects are not being properly reviewed through Zoning Board as they should be, per the by-laws.

4. CURRENT PLANNING: Town Planner Updates

- a) Town Planner Update:
i. 40R Overlay District with Consultants

Via Zoom, Peter Flinker of Dodson & Flinker was present.

Mr. Foley noted a few people from the 40R Working Group are also present. He reviewed where they were now looking for the 40R district boundaries to be.

Mr. Flinker reviewed the 40R design standards and the several public workshops that have taken place since October 2022. They began with identifying frontage lots and opportunity sites and underdeveloped spaces in Fairhaven. The group settled on starting with redeveloping plazas with mixed-use development with housing above commercial. Mr. Flinker reviewed the five guiding principles for the 40R design standards.

Mr. Hayward asked Mr. Flinker about different areas that would be considered a build-out. He said the part of Town that it seems they are viewing are commercial and industrial areas. Mr. Hayward said he was concerned if they got rid of the big stores, he wondered where people would get their household products and where they would park.

Mr. Flinker stated currently the best area for redevelopment to focus on is what they are reviewing. The big box stores are not particularly good looking or effective and they have way more parking than they need these days. He said the questions are good ones.

Mr. Foley stated the zoning will remain the same. This is an Overlay that allows the property owners and developers to do more with limited space. Through the design standards, we can make sure it is nice and fits with Fairhaven while we also create future opportunity for growth in the appropriate location. He said the housing restrictions is for 30 years, affordable to 80% of the people at the Area Median Income (AMI).

Gary Lavalette was present in the Banquet Room. He said he thinks that there is nothing in Fairhaven for professional people. He said he is not in favor of redeveloping the Tractor Supply or Staples Plaza areas. He said he hopes it is the Rt. 240/Alden Road area.

Wil Gardener, as a member of the working group said he appreciated the opportunity to be a part of the working group. He said Fairhaven is a place built over time. He stated one of the things discussed is the idea of creating and building incrementally.

5. LONG RANGE PLANNING:

- a) Town Planner Update: Bridge Street; Municipal Harbor Plan (MHP) Mr. Foley reviewed his projects that are on-going. He said he will be applying for grants to improve Bridge Street.

6. OTHER BUSINESS:

Mr. Hayward asked that Mr. Foley have the Zoning Maps updated.

7. Next Meeting, Tuesday, March 14, 2023

Mr. Lucas made a motion to adjourn which was seconded by Ms. Simmons. The motion passed unanimously at 8:24 p.m.

Respectfully, Patricia A. Pacella, Recording Secretary