

Planning Board Minutes
Tuesday, March 28, 2023

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, David Braga, Kevin Grant, Jessica Fidalgo and Sharon Simmons in the banquet room. Wayne Hayward was on Zoom.

Absent: Rene Fleurent and Jeff Lucas

Town Planner, Mr. Foley was also present.

- c) **Minutes:** February 28, 2023: Ms. Fidalgo made a motion to accept the minutes of February 28, 2023, and was seconded by Mr. Grant. The motion passed unanimously. (5-0-0).
- d) **Planning Board Bills:** None.
- e.) **Correspondence:** None

2. **PUBLIC HEARINGS:**

- a) **DS2022 – 01 Starboard Drive Definitive Subdivision (Continued from February 28, 2023)**

Mr. Foley reviewed the project. He noted there has been one public hearing actually heard and many continuations without testimony. A number of changes have been made since that time. He reviewed the existing condition with five single-family dwellings since the 1960's and 1970's. The property is in the Rural Residential District off Sconticut Neck Road. He said the first hearing date was November 10, 2022, and it has been continued since. He noted they are in front of the Conservation Commission as well at this time. The future homes will use existing municipal water and onsite septic systems. The applicant is seeking numerous waivers. Mr. Foley reviewed the second stormwater peer review dated March 21, 2023. The applicant is asking for the project to be considered a redevelopment versus new development for stormwater purposes and would like the board to make a determination which it is.

Mr. Braga asked what would happen if the Planning Board said redevelopment and Conservation say it's a new development. Mr. Davignon, Engineer for the applicant, said that would be a problem. He thinks the only thing that is a new development is just the pavement. Mr. Foley noted that the Planning Board has a standard condition that states that if the Conservation Commission decision requires any significant changes then the project has to return to the Planning Board for review. The Conservation Commission has similar language.

Mr. Foley reviewed the GCG Peer Review comments and concerns and additional comments that came in that day from the Peer reviewer for the Conservation Commission, John Rockwell.

Mr. Davignon reviewed the timeline of why they have not been in front of the Planning Board since their first time in November 2022. He said they have been to Conservation Commission. He said the whole wetland resource area is why there was a lot of down time; they needed to get the reviewer out to the property and review. He explained the changes from November to present on the plans. He said 5:1

changes on slope were made. He said the wetland line changes a bit on the north side and quite a bit on the south side forcing them to shift a few house sites.

Mr. Davignon went over the five cottages and he said it will be all new houses elevated at some point. He said it would be up to each individual owner of the cottage and/or a new developer. He said the final point is obviously to get the Planning Board and Conservation Commission to agree with the plans.

Mr. Grant asked what it would mean to clearly define one versus the other; what it would mean to the project going forward if new or redevelopment.

Mr. Davignon said it require them to ask for more waivers. He showed on the screen where they would cut trees and other adjustments they would have to make.

Mr. Grant asked about the same square footage of the existing cottages and if they had to stay because of the velocity zone.

Mr. Davignon stated they positioned the replacement houses for the cottages based on the land because of the wetland line changing. He said if they are not granted one or two waivers or both, they would have to do it differently.

Ms. Fidalgo asked about the basins on Lot 7. Mr. Hayward asked about the stormwater regulations using the stormwater handbook. Mr. Davignon said he would agree to that. Mr. Hayward noted there are two boards with different missions looking at this project.

Mr. Davignon said they would put track breaks on the outer side, so the 5:1 exceeds the Planning Board's regulations. He said it would be less steep. He said they would only armor the berms less than 10' wide, he said the peer reviewer asked for that and they agreed.

Mr. Hayward said the determination of redevelopment or new development only pertains to the Stormwater. He said it's a new development. He said there is a very shallow water table in this area. At this site and elevation, everything goes into the ocean so he does not have a problem issuing waivers in this area. He said as long as the velocity would not destroy wetlands he is not worried about the infiltration or run-off as it would go into the ocean. His concern is water quality. He asked about the proposed trees every 30' on the private street. Mr. Hayward said they would need easements on the road. He said it seems complicated but it is really not.

Mr. Davignon stated they would be going back to Conservation in late April. He asked if they could get a vote on the waivers tonight.

Ms. Melanson asked Mr. Foley if they could vote on waivers tonight. Mr. Foley said a clear and complete list would be necessary in order to review and vote. Ms. Melanson took a straw poll and it seemed most members generally agreed. Mr. Hayward made it clear that he was saying waivers to stormwater management/review, but would like to see the list in writing with all of the waivers.

Mr. Davignon asked for a two-week continuance so he could send a waiver list to them by that meeting a week before that meeting. Mr. Foley stated that meeting is April 11, 2023.

Mr. Braga made a motion for DS2022 – 01 Starboard Drive Definitive Subdivision to April 11, 2023 and was seconded by Mr. Grant. The motion passed unanimously.

3. RECEIPT OF PLAN:

- a) **Preliminary Subdivision:** Two existing lots on an unaccepted stretch of Lincoln Drive and Jason Terrace Public Hearing tentatively scheduled for April 25

Mr. Foley gave a brief overview of the plan.

- b) **Special Permit:** Proposed Domino's Pizza Delivery at 177 Huttleston Street. Public hearing tentatively scheduled for April 25

Mr. Foley reviewed the proposed Domino's Pizza Delivery shop at 177 Huttleston Street. The applicant says that they are 90% is delivery, 5% drive through and 5% walk in.

4. CURRENT PLANNING: Town Planner Updates

Mr. Braga made a motion to take the Fairhaven Water Pollution Control Facility out of order and was seconded by Mr. Grant. The motion passed unanimously.

- a) Town Planner Update:
 - i. Upgrades to the Fairhaven Water Pollution Control Facility (WPCF) presented by Tighe & Bond (Project Engineers)

Mr. Foley introduced Ian Catlow from Tighe & Bond, project engineers for the Fairhaven Water Pollution Control Facility. He told the board that the Fairhaven code book says that any projects on Town building, facilities or lands should be presented to the Planning Board for their review and opinion.

Mr. Catlow gave a detailed overview of the project showing where different aspects of the plan would be going on the plans, what they do and why they are necessary. He said the existing facility was constructed in 1969 with significant upgrades in 1986, 2009 and 2017. He reviewed the site locus of the plant currently and where the new elements are proposed to be going. He reviewed replacement piping across the site and other changes to the buildings and areas. He said a new quiet generator would be also installed.

Mr. Hayward asked about the digester building and asked if they are not processing enough sludge to use that building. Mr. Catlow said he is not the designer of the building but only has been told there are also some elevation levels with the digester building.

He answered a question about the height of the proposed new building which is about 28'.

Mr. Hayward asked if this was an explosion-free building. Mr. Catlow said it was a class one, division two, electrically speaking. Mr. Catlow said he would leave the plans with Mr. Foley in the Planning Board for two weeks.

5. LONG RANGE PLANNING:

- a) Town Planner Update: Bridge Street; Municipal Harbor Plan (MHP)

Mr. Foley reviewed an ANR plan that came in from G. Bourne Knowles that will be reviewed at the next meeting to re-divide his land onto two lots.

Mr. Foley stated that DATTCO is going to stop commuter service to Boston effective April 16, 2023. Originally, it was thought that they would run until the train comes. Bloom Bus Charters will use the facility for maintenance and dispatch. There is some talk that the State is going to see about extending the commuter bus to Boston. Mr. Foley spoke to the previous owner and he said they had over 500 daily commuters in the 1990's and that is down to about 60 a day each way today.

Mr. Foley reviewed the 40R Overlay District and showed the latest proposed map for the district and said that he is working on language for the bylaw based on the state model.

6. **OTHER BUSINESS:**

In other business, Mr. Hayward thanked Mr. Foley for updating the Zoning Maps.

7. **Next Meeting:** Tuesday, April 11, 2023

Mr. Braga made a motion to adjourn which was seconded by Ms. Fidalgo. The motion passed unanimously at 8:48p.m.