



TOWN OF FAIRHAVEN, MASSACHUSETTS

# PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

## MEETING MINUTES

Tuesday, November 28, 2023, at 6:30 pm

Held both at Town Hall & Remotely via Zoom

### 1. GENERAL BUSINESS:

- a) **Chair's Welcome and Media Notification:** Madame Chair, Ms. Cathy Melanson, opened the meeting at 6:33 PM and advised who was present. The media notification was written on the agenda for the meeting and thus was not read aloud.

- b) **Quorum/Attendance: Present:** Cathy Melanson, Jessica Fidalgo, Jeff Lucas, Patrick Carr, Ruy daSilva, and Diane Tomassetti in the Town Hall Banquet Room. Kevin Grant via Zoom.

Paul DiGiuseppe, Director of Planning & Economic Development, and Recording Secretary Stephanie Fidalgo were also present.

**Absent:** Sharon Simmons

- c) **Minutes: October 23, 2023, October 24, 2023, and November 21, 2023 drafts to be reviewed:**

Ms. Fidalgo made a motion to accept the minutes of October 23, 2023, and was seconded by Mr. Lucas. The motion passed unanimously via roll call vote. (7-0)

Ms. Fidalgo made a motion to accept the minutes of October 24, 2023, and was seconded by Ms. Tomassetti. The motion passed unanimously via roll call vote. (7-0)

Ms. Fidalgo made a motion to accept the minutes of November 21, 2023, and was seconded by Ms. Tomassetti. The motion passed via roll call vote, with one abstention from Mr. Lucas (6-0)

- d) **Correspondence:** There was no general correspondence for this meeting.

- e) **Board Elections:**

1. **SRPEDD Commissioner:** Ms. Fidalgo volunteered to act as SRPEDD Commissioner.

Mr. Lucas nominated Ms. Fidalgo as SRPEDD Commissioner. Ms. Fidalgo was unanimously elected as SRPEDD Commissioner via roll call vote. (7-0)

- f) **Covenant Release for Starboard Drive:** Mr. DiGiuseppe gave an overview of the previously approved Starboard Drive definitive subdivision. As the road was nearing completion, a form E was submitted by Schnieder, Davignon, & Leone on behalf of the Starboard Drive Nominee Trust to release 6 of the lots from the covenant. The request was to release lots 2-4 and 6-8 of the subdivision from the covenant, leaving lots 1 and 5 as surety for the remainder of the work to be completed.

There was a brief discussion on the correspondence received from the BPW, with Mr. Lucas noting that traditionally the BPW would submit an estimate for the remaining work. In this case, the estimate was submitted by the engineers.

**Mr. Carr made a motion to release the covenant on the requested lots with lots 1 and 5 being held as surety and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (7-0)**

- g) **Review of Proposed 2024 Meeting Schedule:** A proposed meeting schedule for 2024 had been given to the board with their meeting packets for review.

**Ms. Fidalgo made a motion to approve the 2024 schedule and was seconded by Ms. Tomasetti.**

Ms. Fidalgo pointed out that the schedule did not conform to the protocol of Planning Board meetings on both the 2nd and 4th Tuesday of the month for every month, but Ms. Melanson assured her that was acceptable.

Secretary's Note – The months of August and July were set to meet only on the 4th Tuesdays and the months of November and December were set to meet only on the 2nd Tuesdays.

**The motion passed unanimously via roll call vote. (7-0)**

## **2. RECIEPT OF PLANS:**

- a) **FA 23-07 100 Douglass Drive:** Form A proposal to divide Assessor's Map 42, Lot 15U into two lots, submitted by Buzzards Bay Coalition, Inc.

Mr. Gregory S. Nicholas spoke on the Form A proposal on behalf of the Buzzards Bay Coalition, Inc. He presented the plan to the board to divide Assessor's Map 43, Lot 15U into two lots. Lot 1 would create a 4.7-acre lot with 438.8 ft. of frontage around the existing house at 100 Douglass Drive. Lot 2 would be the remaining 22.2 acres of undeveloped land with 205 ft. of frontage on Sconticut Neck Road. Both lots met the frontage requirements for the Rural Residential District and Lot 1 would conform to the setback requirements for the existing house.

Presently, the property is owned by the Vivian Irma Douglass Nominee Trust, with the Buzzards Bay Coalition planning to buy the property. The Coalition would extend the existing conservation restriction over all of Lot 2, while leaving Lot 1 as a rural residential lot.

There were no questions from the board on this Form A proposal. Ms. Melanson informed Mr. Nicholas that the board would endorse the plan after the close of the meeting and it would be available for pick-up the next day.

### **3. PUBLIC HEARINGS:**

- a) **SP 23-09 240B LLC - Bridge Street Special Permit: Build a 5,850 sq. ft. commercial style building on Bridge Street (Map 30A, Lots 87 & 87A), submitted by Carricorp Industries, LTD. Tentatively scheduled for 11/28.**

Secretary's note – there was a scribe's error regarding the square footage of the building on the agenda. The correct square footage is noted here in the minutes.

Mr. DiGiuseppe made his presentation to the board, first showing an aerial photo of the site. This lot was close to the intersection of Route 240 and Bridge Street, in between the Mobil Gas Station at 277 Bridge Street and the Acushnet Company Headquarters at 333 Bridget Street. He noted the other businesses in the area and that this area was zoned for business, so this was an acceptable use. The plan currently included 34 spaces for parking and the special permit was triggered under Fairhaven Zoning Bylaw 198-29.A.(1): New construction that would require a total of five or more parking spaces counting existing and new demand.

Mr. Jamie Bissonnette of Zenith Consulting Engineers, LLC presented to the board. He pointed out on the plans that this site would share an access entrance with the Mobil Gas Station. He also noted the wetlands to the south and east of the lot and explained that they were currently filed with the Conservation Commission.

The planned building would be 90 ft. by 65 ft. and 5,850 sq. ft. and only required 24 parking spaces, but 34 had been planned for. The site would be serviced by municipal sewer and water, and the existing fire hydrant would be relocated. For storm water drainage, the plan was to use catch basins to direct the water into a system of 77 Cultech recharge basins. The storm water plan would also decrease run-off and meet the Town requirements not to increase volume for 10 years, with the calculations showing no increase in volume for 25 years.

Mr. Bissonnette acknowledged that the plan would need to be revised to include a landscape plan and a lighting plan. He also presented a rendering of the building to the board and noted that a tenant had not been decided on yet.

Mr. Carr asked if the recharge system was shared with the existing gas station and what was the system's capacity. Mr. Bissonnette replied that it would not be a shared system and while he was unsure of the exact capacity off-hand, it was noted in the storm water report and that the 77 Cultech chambers were 330 XLHD models and they would maximize the infiltration on site for recharge.

Mr. Lucas wished to see a traffic study for the project, both to compare with the traffic study from 2017 for the gas station and to plan for the new property. When he inquired about plans for a tenant, Mr. Robert Carrigg of Carricorp, explained that while they would prefer a single tenant, it was possible to have three at this location. Given the location of the site and the requests from other departments for a traffic study, Mr. Lucas recommended requesting a traffic study.

Mr. Grant inquired if the landscaping plan would be meet the Town requirements for a buffer along the street, and Mr. Bissonnette promised to investigate the matter.

Ms. Fidalgo had wanted information on if this project would need to be reviewed by the Conservation Commission, but Mr. Bissonnette had already mentioned that it was being reviewed.

Mr. daSilva wished to confirm that the rendering was an accurate representation of what would be built on the property. Mr. Carrigg noted that while the rendering was a concept, the final building would generally match the concept and the aesthetic of the existing gas station.

Ms. Tomassetti inquired as to the type of tenants they were looking for, with Mr. Bissonnette noting possibilities such as a take-out sandwich shop or a small real estate agency.

Mr. DiGiuseppe explained to the board that he was working with the applicant and Conservation Agent, Bruce Webb, to have a joint peer review of the storm water report that took both sets of bylaws into account. Currently, they were seeking a quote from GCG and hoped that the review could be completed relatively quickly.

Mr. Carr and Ms. Melanson discussed the peer review process. Mr. Carr inquired if there would be a need for a second means of traffic egress, and Mr. Bissonnette answered that the current plan was to have the gas station and new property share the entrance. Mr. Carrigg added that was the recommendation of the Mass DOT.

Mr. Lucas covered the history of the project as it related to the prior gas station development and the expectation for the two to share a traffic entrance. He also wished to see further information on the pedestrian flow on the property and entrances to the building itself. He and Mr. Bissonnette also discussed the elevations and wetland buffers of the property.

Mr. Grant inquired if the Planning Board was able to grant waivers to the landscaping buffer requirements, which Mr. DiGiuseppe answered that they could not. As such, the applicant would need to keep those requirements in mind while drafting the landscaping plan.

Ms. Fidalgo inquired about the dumpster and the location, with Mr. Bissonnette explaining that the location near the front of the property was to allow for ease of access. To counterbalance the placement, the dumpster would be fully enclosed and there would be landscaping added to screen it in.

Mr. Lucas asked if the BPW recommendations and a sign schematic would be factored into the next plan, which Mr. Bissonnette confirmed. He also inquired about the Fire Department's request for a dry run of a fire truck around the property and commented on the traffic flow

behind the building. Mr. Bissonnette explained that they planned to meet with the Fire Department to share a simulation of a fire truck rounding the building to prove that they had adequate access.

Mr. Bissonnette asked the board and the planner for what elements the traffic study should focus on. Mr. DiGiuseppe wished to see both trip generation and traffic movements around peak traffic, taking the intersection and the surrounding businesses into account. Mr. Bissonnette noted that they would be obtaining the study from the same firm that conducted the 2017 study for the gas station and would be able to compare the two studies.

Ms. Melanson invited the public to comment, but there was no public comment at this hearing.

There was further discussion on the traffic study, given the possibilities of multiple tenants which could generate different amounts of traffic. Mr. DiGiuseppe suggested that the peer review be expanded to include the traffic study and Ms. Melanson replied that a peer review would not be necessary.

The board discussed the continuation date with Mr. Bissonnette.

**Ms. Fidaglo made a motion to continue SP 23-09 240B LLC - Bridge Street Special Permit to January 9, 2024, and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (7-0)**

Mr. Lucas voiced his support for Mr. DiGiuseppe's suggestion for a traffic study peer review.

#### **4. UPCOMING REVIEWS:**

Ms. Melanson briefly noted the upcoming review planned for the January 9, 2024, meeting.

- a) **Special Permit:** 23 Summer Street, convert the existing rear building at 23 Summer Street (Map 10, Lot 166) into an accessory dwelling unit, submitted by Robert Leidhold. ***Approved by the Zoning Board of Appeals on November 7, 2023. Tentatively scheduled for January 9, 2024.***

#### **5. OTHER BUSINESS:**

- a) **Review of the Proposed Meeting Protocols**

Two documents were presented to the board – A collection of individual suggestions from board members and a proposed set of protocols, edited together by Mr. DiGiuseppe incorporating the suggestions as well as elements from the Select Board's protocols.

Mr. Carr took issue with the edited set of protocols, having expected that the suggestions would be collected together for the board to vote on each as a collective body. Ms. Melanson explained that the Select Board protocols had been used as a template. Mr. Carr outlined his preferred procedure to have the board create the protocols together from their suggestions and then ask the Planning Director to edit them together.

With that in mind, Ms. Melanson offered to read the suggestions submitted by herself, Mr. Lucas, Ms. Fidalgo, Ms. Simmons, and Mr. Carr. Given that Ms. Simmons was not present, Mr. Carr did not wish to proceed with the discussion. He then suggested that all the members submit their recommendations, and that the discussion should occur when all members were present. Ms. Melanson outlined a process of maintaining and voting on the protocols on a yearly basis after the April elections.

Ms. Tomassetti requested that the discussion be tabled as she had not been a member when the process started.

Ms. Melanson noted that she might not be able to attend the next meeting.

**Ms. Tomassetti made a motion to table the discussion of the proposed meeting protocols and have the review at the next meeting and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (7-0)**

- b) Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.**

There was no other business for this meeting.

**6. NEXT MEETING: Tuesday, December 12, 2023.**

Ms. Melanson adjourned the meeting at 7:40 PM

Respectfully submitted,  
Stephanie A. Fidalgo  
Recording Secretary,  
Planning Board

*Approved – December 12, 2023*