



TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD
Town Hall · 40 Center Street · Fairhaven, MA 02719

MEETING MINUTES

Tuesday, December 12, 2023, at 6:30 pm
Held both at Town Hall & Remotely via Zoom

1. GENERAL BUSINESS:

- a) **Chair's Welcome and Media Notification:** Madame Vice Chair, Ms. Jessica Fidalgo, opened the meeting at 6:32 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:** Jessica Fidalgo, Jeff Lucas, Patrick Carr, Sharon Simmons, 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: Cathy Melanson and Ruy daSilva

- c) **Minutes: November 28, 2023 drafts to be reviewed:**

Mr. Lucas made a motion to accept the minutes of November 28, 2023, and was seconded by Ms. Tomassetti. The motion passed unanimously via roll call vote. (6-0)

- d) **Correspondence:** There was no general correspondence for this meeting.
- e) **Endorsement of Alves Way As-Built Plan and Street Acceptance Plan:** The plan had been accepted at Special Town Meeting and the peer review was completed, so the plans only required endorsement from the Planning Board. Ms. Fidalgo noted that the signing would take place after the meeting.

2. RECIEPT OF PLANS:

- a) **FA 23-08 54 Adams Street: Form A proposal to divide Assessor's Map 10, Lot 31 into two lots, submitted by Seth Barlow.**

Mr. DiGiuseppe covered the project history. The Plan would divide the lot into two, with the existing house on the lot with frontage on Adams Street and the new vacant lot having frontage on Judd Street. The lot sizes and frontages were under the minimum requirements for the Single Residence District, but the applicant had obtained a Variance from the Zoning Board of Appeals at their October 3, 2023 meeting.

The Applicant, Mr. Seth Barlow, spoke to the Board via Zoom and he reiterated the project history. He added that the eventual plan was to put a single family house on the Judd Street lot.

Ms. Fidalgo outlined that for Form A proposals, the Board looked for compliance with lot size, frontage, and if the lots would be on accepted streets. However, the Board needed to determine the adequacy of the way as Judd Street was a gravel road. Mr. DiGiuseppe read out the different criteria for an adequate way from the Massachusetts ANR Handbook.

Mr. Barlow confirmed to the Board that Judd Street was not paved and offered to contact the property owner's attorney for further information on the road and its adequacy. Ms. Fidalgo wished to wait on approving the proposal until the Board had more information.

Mr. Barlow did note that Judd Street was listed as a public way on the plan but Ms. Fidalgo wanted further research regarding the discrepancy with the Assessor's Records. Mr. Lucas pointed out that Judd Street was 40 feet wide which matched many accepted streets. As for the discrepancy, Mr. DiGiuseppe explained that he had checked the list of constructed or accepted roads and Judd Street did not appear on the list.

Mr. Lucas and Ms. Fidalgo asked about the timeline for approval of the Form A and the possibility of the applicant requesting a continuance. Mr. Carr shared his concerns with the process and the need for further research on the plan. He wanted to know which entity owned the street, though Mr. Carr and Ms. Fidalgo did agree that the street was frequently used. The Board discussed the timeline of the project.

Mr. Grant agreed that determining the nature of the road was the first step in determining the Board's options for handling this proposal. Ms. Fidalgo asked Mr. Barlow about the timeline for receiving answers from the attorney, with Mr. Barlow answering that he would have to wait until the next business day. Ms. Tomassetti asked about the research that Farland Corp had done while drafting the plans. Mr. Barlow explained that he had not seen any particular issues with Judd Street while drafting the plans.

The Board agreed that they would need to have their questions answered before being able to approve the proposal and thus would require a continuance. Mr. Grant asked about the timeline for approval of this plan. Recording Secretary, Stephanie Fidalgo, informed the Board that the date of submission for an ANR was the first meeting where it was presented. Thus the time to approval was 21 days from the meeting date. Mr. Lucas noted that the applicant would request a continuance in writing.

Ms. Simmons asked if the applicant would need to attend the next meeting with Mr. Lucas answering that it would depend upon the answer. Ms. Fidalgo outlined a plan to have all of the

questions answered ahead of the next meeting with the steps and information shared with the applicant in the interim. Mr. Carr asked how the adequacy of the street would be determined, given that it was a gravel road. Mr. DiGiuseppe noted that they could seek advice from Town Counsel or speak with the Board of Public Works. Generally, a road could be considered adequate if emergency vehicles could travel safely along it.

Mr. Lucas noted that given the layout, it would be possible to approve a gravel road, but the ownership of the road had to be established first. Mr. Carr also noted the different houses and buildings already existing along Judd Street and Mr. Lucas agreed that there would likely be no further build out along the street.

Ms. Fidalgo again recommended a continuance and verified that Mr. Barlow was amenable to continue to the January 9, 2024 meeting. Mr. Barlow also assured that he would send the request for the continuance via email to Mr. DiGiuseppe.

Mr. Lucas made a motion to continue FA 23-08 54 Adams Street to the January 9, 2024 meeting and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (6-0)

3. UPCOMING REVIEWS:

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

- a) **Unaccepted Street Discontinuance:** 11 Sandra Lane, discontinue the area of a paper road, Sandra Lane, that abuts the north side of the property. ***Scheduled for January 9, 2024.***

4. OTHER BUSINESS:

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

Mr. Carr confirmed that the Board would be signing the Alves Way plan after the meeting. Ms. Fidalgo asked if there were any new workshops available from the Citizen Planner Training Collaborative and Mr. DiGiuseppe promised to forward information on the newer workshops to the Board.

5. NEXT MEETING: Tuesday, January 9, 2024.

Ms. Fidalgo adjourned the meeting at 7:03 PM

Respectfully submitted,

Stephanie A. Fidalgo

Recording Secretary, Planning Board

Approved – January 9, 2024