

**FAIRHAVEN PLANNING BOARD**  
**January 26, 2016**  
**Town Hall Banquet Room**

**A. ADMINISTRATIVE BUSINESS:**

Mr. Hayward opened the meeting at 6:30 p.m. and noted it was being televised and going out live.

Quorum/Attendance:

**Present:** Wayne Hayward, Chairman, Peter Nopper, Jeffrey Lucas, Ann Richard, John Farrell, Jr.

Absent: Gary Staffon, Kaisa Cripps (Resigned)

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes:

Mr. Lucas made a motion to approve the December 8, 2015 minutes and was seconded by Mr. Fleurent, Jr. The motion passed unanimously.

Ms. Richard abstained.

Planning Board Bills:

1. Engineering – 89 Account – GCG Associates, Inc. – **Clean Energy Collective, LLC** - \$867.50

Mr. Lucas made a motion to pay \$867.50 to GCG Associates and was seconded by Mr. Fleurent, Jr. The motion passed unanimously.

2. Office Supplies – Staples - \$209.65

Mr. Lucas made a motion to pay Staples \$209.65 and was seconded by Mr. Fleurent, Jr. The motion passed unanimously.

**B. CURRENT PLANNING:**

Receipt of Plans:

None.

Approval of Plans:

None.

**C. PUBLIC MEETING:**

1. Prelim Subdivision – VCORP, LLC. – **Between 28 & 30 Charity Stevens Lane**, Map 40, Lot 14

Mr. Lucas is recusing himself due to a business relationship.

John Keegan, Engineer with Sitec Engineering said the applicant would like to create a road to provide access for a one-lot subdivision. It is a 9.2 acre lot that is mostly wetlands to the extent it could be developed. There are enough uplands for the lot. They would like to put a 16 ft. wide gravel roadway with grass swales on either side. The home would be set back and there is room for septic and a well. The wetland line has already been approved and is little more conservative. The roadway will provide the frontage for the lot.

Mr. Hayward asked if there were any restrictions from the Conservation Commission and Mr. Keegan said they have not presented before them yet. There is a nice buffer between the wetland and the proposed house footprint and they will meet storm water compliance.

Mr. Roth gave a description of the project and said they would need several waivers to meet the requirement for subdivision; however, in this particular circumstance he does not have any objection to what they want to propose.

Mr. Keegan said if approved for the preliminary, they will come back with a definitive plan.

Mr. Fleurent asked if the plan was to scale because the house footprint looked quite large.

Mr. Roth said they are looking at the roadway and the frontage, the footprint of house is not required on a subdivision.

Mr. Hayward asked if there was anyone to speak and there was none.

Mr. Fleurent, Jr. made a motion to approve the preliminary subdivision dated November 5, 2015 as presented and was seconded by Mr. Farrell, Jr. The motion passed unanimously.

**D. PUBLIC HEARING:**

1. Text Amendment – Chapter 198, Section 16, 25, 27 & 33 – Motor Vehicle & Boat Sales  
(Continued from 1-12-16)

Mr. Roth said the only thing that he changed was “E”, and read what it was changed to: Any motor vehicle or boat dealer that has two or more sides that boarder a residential district, including across the street shall only be permitted to use 90% of the allowable maximum lot coverage per Section 198-18. Allowable maximum lot coverage is further defined in Section 198-18 definitions.

Mr. Hayward asked if they approved the body work and Mr. Roth said no, and body work is strictly Special Permit in the Industrial District.

Mr. Hayward asked Mr. Roth if he tried the 90% equation on a lot. Mr. Roth said that he did not. Mr. Roth indicated this is an amendment Mr. Fleurent, Jr. made, all he did was put it into proper code language. Mr. Roth reiterated that he does not agree with it. (Discussion ensued.)

Mr. Lucas said he wanted to restate his objection feeling it further penalizes and does not feel it benefits the residential area. He agrees with Mr. Roth having checks and balances with Special Permit and does not see where it would be effective.

Mr. Fleurent said he was confused with Mr. Lucas’s objection. He feels Fairhaven is a mature town and wants to protect the neighborhoods of this Town. He will not support it. Mr. Fleurent, Jr. feels businesses now are from out of town and don’t care. (Discussion ensued.)

Mr. Lucas feels it is a disservice to some of the businesses that are caring. And he does not see where the extra 10% provides any relief. Mr. Fleurent, Jr. said it will cause them to have a smaller business in a residential neighborhood. Mr. Lucas felt there were not that many in the Town and does not feel that there is any more protection than a Special Permit.

Ms. Richard is against including this and agrees if “E” is not there, they would still have to come before the Planning Board and residents would be able to come to their meeting and speak.

Al Oulette of 70 Shirley Street appreciates what the Board is doing. He said part of the problem he experiences is enforcement. Mr. Ouellette has issue with a business using Town property, abuse buffer zones and no one is enforcing it. They say they will abide, but once they leave, they do what they want. He comes to Town Hall and is told there is nothing that can be done.

Mr. Hayward said enforcement is for another day and Mr. Fostin is the Enforcement Officer. Also discussion of wrecker service mentioned from previous hearing, Mr. Hayward does not believe Fairhaven has a single-use wrecker service. He thinks all auto and boat sales will require towing service

occasionally and can occur any time. Mr. Hayward noted a wrecker service would be in the Industrial Zone.

Ms. Richard said if it is something that is occurring, what can that person do and Mr. Hayward said they could file a written formal zoning complaint.

Mr. Roth said if someone is clearly violating, a complaint should be made in writing to the Zoning Enforcement Officer. Under the new government structure, if there is still no action, an official complaint be filed with the Town Administrator that the business is violating their license and the Selectmen can bring them in as licensing authority under Mass General Laws.

Mr. Fleurent, Jr. said he is looking out to the future for this Town and is the reason he is asking for setback and this gives it a quick, clear guideline. He feels it is one way to reign in businesses in residential.

Mr. Hayward said he might be leaning towards it. (Discussion ensued.)

Mr. Lucas said page 2 in B, says it should include "boat".

Mr. Fleurent, Jr. said he agrees with the recommendation.

Mr. Fleurent, Jr. made motion to approve the amended Bylaw 198-16, 25, 27 & 33 as proposed with amendment today January 20, 2016; memo presented from Mr. Roth and was seconded by Mr. Hayward. The motion failed 2 in favor, 4 opposed.

Mr. Lucas made a motion to recommend to Town meeting with amendment for boat and striking E and was seconded by Mr. Farrell, Jr. The motion passed 5 in favor, 1 opposed.

**D. PUBLIC HEARING:**

2. **Rezoning- Hawthorne Property Management, LLC.** – 294 Huttleston Avenue – Request to rezone from Business (B) to Apartment/Multifamily (RC).

Mr. Lucas is recusing himself due to a business relationship.

Mr. Roth read the advertisement into the record.

Mr. Hayward reiterated they are being televised and introduced the Planning Board members.

Tony Martino a 40-year town resident said he owns a small property management company with about 32 tenants. He bought property on Bridge Street about a year and a half ago and fixed it up. They made an offer on 294 Huttleston with the intention of putting up another 8 or 10 units and re-zoning would have to be in place. Purchase and sale is subject to re-zoning

Mr. Roth said the Fire Department reviewed and approved site plan, no issues; Police have not submitted comments; Board of Health has reviewed, no comments; Board of Public Works has not submitted any comments; Building Commissioner indicated lot does not meet frontage and lot size and require variances; Assessors Office reviewed, no comments; Treasurer/Collector/Finance Director, nothing tax/title, third quarter real estate taxes due now. Mr. Roth re: zoning. Mr. Roth gave a description of the lots with the indicated zoning and described the abutting properties.

The Building Commissioner said the lot does not meet 198-18 Intensity of Use Schedule, Mr. Roth agrees lot does not meet this sections, he feels but current business zone is not compatible with the surrounding uses and the multi-family would be a use that is more compatible to the neighborhood. The lot was denied Special Permit earlier for landscape and fuel business. Mr. Roth indicated based on lot size four 2 bedroom units or five 1 bedroom units would be allowed in the RC zone. Mr. Roth is recommending the

Board recommend to Town Meeting to re-zone the property to RC. The potential of a 4-5 housing units would be preferable than business uses such as a restaurant that could be re-built and utilize existing paved area because it's a use that's permitted as of right.

Mr. Fleurent, Jr. said he would be adamantly in favor of re-zoning that area because of past concerns and would like to see it re-zoned as residential. He would approve of this going to Town Meeting for approval.

Ms. Richard agrees with Mr. Fleurent, feels it fits into the area.

Mr. Hayward said the property is undersized and there is a blanket overlay of the Nasketucket River Basin District. And regarding the setbacks, he felt he might need a variance from Board of Appeals.

Mr. Martino said looking at cost, if they could make it work. He didn't know if there was a need for something like over 55 housing, but it would have to make financial sense. He said he looked at the condos next door and they had 8 condos in one building.

Cari McCann 19 Welcome Street questioned parking and for 5 apartments, where would they park, which leads to vacant lot behind, would he get a variance to park there. She wouldn't like that to be a lot with headlights it connects to the back where she is.

Mr. Roth indicated that the lot she was referring to was part of a residential subdivision on Welcome Street and that was zoned Single Family and that parking or any other business use would not be allowed. Mr. Roth said he could not get a use variance.

(Discussion ensued.)

Mr. Martino said if she were to look at the condos the parking is inside and certainly not into the back.

Rosalie Hutchinson, Ocean Meadow Resident, questioned rubbish and recycle pick up? Wanted to know if there would be a dumpster or town pickup?

Mr. Roth said that this was a rezone application and if rezoned then the applicant would have to come back for a Special Permit with detailed site plans.

Mr. Fleurent asked if that lot could be viable to put an RC on it and Mr. Hayward said yes.

Ms. Richard asked the residents how they felt about the re-zone.

A resident of Ocean Meadows said she is all for the residential zone because what makes her nervous is what could happen down the road if it stayed Business.

Mr. Steven McGann of 19 Welcome Street thinks it is a great idea.

Arlene Derosier said they have had business before that had been very detrimental because of noise and cops having to come. She has enjoyed having lot empty but is more in favor of having a residential zone then a business zone.

Mr. Fleurent, Jr. made a motion to recommend to next Town Meeting to support 294 Huttleston Avenue from Business to RC and was seconded by Mr. Farrell, Jr. The motion passed unanimously.

Ms. Richard asked Mr. Roth re: the non-conforming Business neighbor could also be rezoned.

Mr. Roth said the Planning Board could do that at a later date. The other lot is a single-family home and zoned business. (Discussion ensued.)

**E. LONG RANGE PLANNING:**

1. Master Plan Sub-committee Update – Rene Fleurent, Jr. (Cont'd from 1/12 /16).

Mr. Fleurent, Jr. said nothing has changed substantially. The minutes are prepared and have been read through and he is comfortable with them. There was a resignation from one of Board members so they could not be approved. But he is comfortable submitting the minutes they have today to the Board.

Mr. Roth said it is all of the information that has been compiled. Any future meetings, it was his recommendation that the recording secretary do the minutes.

Mr. Hayward reviewed the past year regarding what they have done since August 25, 2015. The Committee has met and produced all documents requested. He believes they are on track and does not see any reason not to move forward.

Mr. Roth said he will be working with Mr. Rees and they will be looking at the entire budget and that is all the Articles and he will be putting a recommendation together. Mr. Roth will speak with Mr. Rees regarding if he wants to meet with the Board on the budget and Article request.

Mr. Hayward said the Finance Committee should have a copy and Mr. Roth said they are sent copies from the Selectmen's Office.

Mr. Lucas said that the CPC recommend to Town Meeting the \$25,000 for the housing element portion.

Mr. Fleurent said he agrees that the Finance Committee should be informed.

Ms. Richard said even if the Article does not pass, they will still pursue the CPC Article. They still have 2 years. (Discussion ensued.)

Mr. Hayward regrets not voting in favor because the documentation was not in place.

Mr. Roth noted they need to start discussing presentation materials, and he indicated that the budget meetings will be between February 1 – 19, 2016, and he will schedule the meeting with Mr. Rees and he will speak with him to see how it will be handled.

**F. CORRESPONDENCE:**

1. Mr. Roth said CPTC Conference is March 19, 2016. It would be nice to know who would like to go so registrations can be ready and the bill can be signed next meeting. He would need to know by Wednesday, the 3<sup>rd</sup>. Mr. Fleurent said he will attend.

Mr. Fleurent has gone the last 4 years. It is an outstanding course and representative of what the Planning Board does. They provide email for presenters for any questions afterwards. Take advantage of the weekend course.

Ms. Richard asked if they don't attend this, are they allowed to do other individual meetings. (Discussion ensued.)

2. Resignation - Kaisa Cripps

Mr. Hayward said it is official as of Friday. (Discussion ensued.)

Mr. Hayward made a motion to declare the Board has a vacancy and was seconded by Mr. Lucas. The motion passed unanimously.

Ms. Richard said it is unfortunate. She had interesting input and Mr. Fleurent, Jr. agreed.

3. 197 New Boston Road – CH 61A – Right of first refusal

Mr. Roth said he just received. It is a request of notice to convert and wish to convert 12.5 acres.

Mr. Fleurent had no objections.

Mr. Lucas felt it was similar location to the other proposal and does not believe it is worth pursuing and to put on the next agenda.

Mr. Farrell, Jr. made a motion to continue plans for review for Right of First Refusal for 197 New Boston Road and was seconded by Mr. Lucas. The motion passed unanimously.

Mr. Roth said the February 9, 2016; meeting might be in East Room.

Mr. Hayward gave some clarification on a Motion to Adjourn made and seconded and indicated the meeting does not adjourn until the Chairman says it's over. Things come up after and sometimes they need more time.

**G. OTHER BUSINESS:**

None.

Mr. Lucas made a motion to adjourn and was seconded by Mr. Fleurent, Jr. The meeting adjourned at 8:05 pm.

Respectfully Submitted,

Tracy White  
Recording Secretary