

FAIRHAVEN PLANNING BOARD
March 22, 2016
Town Hall Banquet Room

A. ADMINISTRATIVE BUSINESS:

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

Quorum/Attendance: Wayne Hayward, Chairman, Jeffrey Lucas, Ann Richard, Rene Fleurent, Jr. Peter Nopper, John Farrell, Jr. and Gary Staffon.

Absent: None.

William Roth, Planning Director was also in attendance.

Acceptance of Minutes:

Mr. Hayward made a motion to accept the minutes of February 9, 2016, and was seconded by Mr. Lucas. The motion passed unanimously.

Rene Fleurent, Jr. abstained.

Planning Board Bills:

1. Engineering – GCG Associates, Inc. – **Clean Energy Collective, LLC.** – 89 Acct.- \$1,187.50.

Mr. Staffon made a motion to pay \$1,187.50 and was seconded by Mr. Lucas. The motion passed unanimously.

2. **CPTC 2016 Annual Conference** – Rene Fleurent, Jr. & Wayne Hayward - \$130.00.

Mr. Staffon made a motion to pay \$130.00 and was seconded by Mr. Lucas. The motion passed unanimously.

Mr. Fleurent, Jr. abstained.

3. Legal AD – **Fairhaven Neighborhood News** – Hawthorne Property Mgmt. - \$80.00.

Mr. Staffon made a motion to pay \$80.00 to Neighborhood News for Legal AD and was seconded by Mr. Lucas. The motion passed unanimously.

Mr. Hayward noted the last meeting of March 8, 2016, was cancelled due to quorum and the meeting of February 9, 2016, was untelevised. There was a problem with the Government Access Channel. They did approve a Special Permit for a solar farm on New Boston Road.

Agenda Policy of the Chair: Discussion:

Mr. Hayward said he put this on the agenda to discuss having the Planning Board packets mailed earlier. He said that sometimes the member get the packets the day before and he wanted to know how the Board felt. He said that he spoke to Mr. Roth and that the schedule could be altered and the packets mailed out so they are received a week before the meeting

Mr. Staffon said a lot is sent via email and he is able to view it on his phone.

Mr. Fleurent feels the packets should be mailed out earlier and it appears that the issue has been addressed and it will be resolved due to a conversation held earlier with the Board members and is looking forward to seeing the packet earlier. He does not have easy access to email.

Ms. Richard agrees with Mr. Staffon. She receives the emails mid-week, and feels there is not an issue.

Mr. Roth noted he would complete the packet Wednesday and mail it on Thursdays two weeks before the meeting. The discussion was regarding paper copy, which would be mailed earlier. Mr. Roth noted he has no staff support on Fridays. (Discussion ensued.)

Mr. Farrell asked if the minutes could be with that as well.

Mr. Roth said he would work with Tracy but he felt that would be difficult when there were two meeting in a month. However, he could email the minutes like he does now, which is about 5 days before the meeting and at that time a final agenda would be emailed as well.

B. CURRENT PLANNING:

Receipt of Plans:

1. Street Discontinuance – Livesey Parkway and Deane Street – Board of Selectmen (4/12/16).

Mr. Roth recommended the hearing be scheduled for April 12, 2016.

Mr. Staffon made a motion to schedule Public Hearing for Street Discontinuance on April 12, 2016, and was seconded by Mr. Farrell, Jr. The motion passed unanimously.

Approval of Plans:

1. Form A – **Thomas & Shari Litalien** – Gellette Road.

Mr. Roth said the property owner on Hill Street would like to buy additional backyard area and the Dumas's have enough area. This Form "A" adds 5,136 sq. ft. to lot 177. The revised lot is 16,152 sq. ft. and makes it a conforming lot in the RA District. The combined lots of 118 and 120 are to be consolidated into one lot and is zoned RA and has 100 ft. of frontage. Mr. Roth noted this brings Lot 177 to conformance and recommends approval.

Mr. Fleurent, Jr. has no issues.

Mr. Lucas made a motion they not consider this as a subdivision and falls under approval not required and was seconded by Mr. Farrell, Jr. The motion passed unanimously.

Revised Plans:

1. Clean Energy Collective, LLC. – 197 New Boston Road – Plan Revision.

Greg Carey, Community Solar Manager was present.

Mr. Roth said the Conservation Commission wanted to have a consultant review the wetland line. The applicant had an issue with the additional time and the tax credits expiring so the Conservation Commission approved the wetland line if it were shifted towards the west. The effect was that some panels would be removed. Mr. Roth wanted to know if the Board is comfortable with the change not requiring a new Special Permit. If so the applicant would just need to submit the revised plan for the file and the revised plan would be stamped as the officially approved plans.

Mr. Carey said they shrunk it down about 12%. They have removed some panels and moved the detention basin further from the wetland. The closest point permitted was 105 ft. from the wetland to fence line. It is now 160 ft. The Conservation Commission felt comfortable with the smaller project.

Mr. Hayward asked if there were questions on the plan and/or procedure and there were none.

Mr. Fleurent, Jr. said he was comfortable.

Mr. Hayward noted the minutes would reflect above change and Mr. Roth said this would be Exhibit A on file at the Planning Board.

Mr. Staffon made a motion to approve the new plan dated February 20, 2016; the changes are minor in nature and was seconded by Mr. Fleurent, Jr. The motion passed unanimously.

197 New Boston Road – Brahmin Leather (Not agenda item):

Mr. Hayward wanted to mention that they have new plans for the building; and it raised the question of, was there was anything that required Special Permit.

Mr. Roth they are changing the Atrium storage area to an office area.

Mr. Lucas felt some of some issues might be avoidable if people were approved by the Conservation Commission first. (Discussion ensued.)

Mr. Hayward also mentioned Huttleston Avenue for boat storage and personal use. Mr. Hayward suggested they invite the Enforcement Officer to one of the meetings to discuss some of the issues. All Boards are supposed to work as a team and asked if anyone be against it and there was none.

Mr. Roth asked for a clear outline of issues to discuss with the Enforcement Officer. Mr. Roth also indicated Katie Goodrum with SRPEDD was present and they should table this discussion after to not keep her waiting.

C. PUBLIC HEARING:

None.

D. LONG RANGE PLANNING:

1. Benoit Square – SRPEDD Study – Discussion.

Katie Goodrum, Senior Comprehensive Planner with SRPEDD was present.

Ms. Goodrum noted they last spoke after the neighborhood meeting. And after the analysis has been done, the direction they went was to look at the zoning and are proposing zoning changes to mixed use and apply them to Benoit Square and revitalize the area.

Ms. Goodrum said looking at zoning constraints to revitalize the neighborhood. Initial issues include existing buildings and there are two major development properties in the area, Oxford School site and Ms. Richard noted the Sacred Heart Church was sold. Mr. Roth noted the business portion was sold to one person and the lots in the back sold to someone else.

Ms. Goodrum gave some background on the area said they wanted to try to strengthen the areas and have zoning that matched.

Ms. Richard noted all the notes were not available on the SRPEDD webpage that was setup for this project.

Ms. Goodrum noted residents did have concerns and they did some research on them. She has read the Bylaw thoroughly and looked at existing development in the area. Ms. Goodrum noted the business zoning makes most of the buildings non-conforming, mostly because of dimensional requirements and the residences above the business, the use is not conforming. They also looked at amending the Use Table. The bylaw has Special Permit with site plan review process which is only triggered by parking or development changes, which could be an obstacle. It would only apply to any change of use. (Discussion ensued.)

Mr. Lucas asked if it could be controlled thru the use table, changing everything from A to a Y.

Mr. Roth noted one thing they looked at doing was if you are within the building footprint and that would carry forward, only if there is square footage added. One beauty about mixed use, it essentially incentivizes you to re-use the building and that would carry forward.

Mr. Hayward said there is a concern about Historic District and building heights and the parking issues. Mr. Roth said there is no new parking requirement if using the existing building.

Mr. Lucas said the other difference is the traffic and feels that needs to be addressed/modified.

Mr. Hayward asked what it would take to prevent trucks on the side streets and suggested using signage if it is a permissible policy. Mr. Fleurent said some State roads restrict trucks. Mr. Roth said it may fall on the Board of Selectmen/Board of Public Works issue and suggested SRPEDD to advise regarding that. (Discussion ensued).

Mr. Hayward said they reached out to the community and felt there were no business owners who responded. Mr. Roth noted flyers were hand delivered to the business owners.

Ms. Richard wondered if there was going to be another neighborhood meeting and feels some of the business on the strip just rent the space. The owners of the buildings were mailed notices and the tenants were also notified.

Ms. Goodrum said they did not have specific zoning changes proposed at that time so meeting with the business owner at this time is advisable.

Mr. Hayward noted 198-27-A regarding parking calculation to reference. He noted it might be difficult to figure parking out. The Planning Board actually sets the rate for a given site and that is the only trigger for Special Permit, unless it is under 5 spaces. (Discussion ensued regarding parking.)

Mr. Hayward asked if expansion would trigger and Ms. Goodrum noted it would. Ms. Goodrum noted there were two triggers, "Use" does not require them to submit site plan, but section 198-29 is Special Permit with site plan review, which she felt was a little much for simple change of use.

Mr. Roth suggested adding "a purpose" and another was restaurants over/under certain square footage and they would take a look at that. Ms. Goodrum noted she consulted Sandy Conaty, who is an expert on zoning.

Ms. Richard noted angle parking was suggested along the frontage and wondered if that would work. Mr. Roth said there is not enough width. In the draft P&S the Town has with the buyer of the Oxford School, they negotiated a 30-car lot for the park, not the future residents of the Oxford School. Mr. Roth said the Selectmen want to look at complete streets and recommended they may have to look more in-depth at traffic studies and deal with that as a separate issue.

Ms. Richard brought up seating, there is not any, other than the Gazebo and if they are revitalizing the area, they should also have it look nice as well as there are no planters and/or trees.

Mr. Staffon suggested handicap accessible seasonal seating. Ms. Goodrum said a complete street study is necessary but felt the cross-walk was a more important issue.

Ms. Goodrum reviewed the changes that were looked at as well as dimensional changes. (Discussion ensued.)

Mr. Roth said looking at the uses and businesses, that are already there, they should look at the intensity schedule to make them more conforming.

Mr. Hayward feels they should fine-tune the Mixed Use, make sure they come up with a number, he would support that. It would take a lot out of Variance requirements. Ms. Goodrum said her approach

would be to make things more specific and predictable by adding criteria for Special Permit. (Discussion ensued.)

Mr. Hayward asked if they could stipulate first floor has to be a business or what would stop them from knocking down buildings and putting in apartments and Mr. Roth said they would have to meet the parking requirement, which is in the current and proposed Code and to knock down and build new, would trigger that.

Mr. Staffon noted underneath parking was suggested. Mr. Roth noted a certain density would be required for parking underneath a building to be cost effective and he felt that would not occur in this neighborhood. Mr. Fleurent liked the idea of business on the first floor. Ms. Goodrum said she would try to find some language on that. (Discussion ensued).

Ms. Richard said she likes the idea of extending the area and mentioned several businesses are vacant and feels it should go down to Hawthorne Street and Mr. Roth said they did. Mr. Roth reviewed properties and the re-zoning changes he would recommend. He also recommended the entire Sacred Heart property be included, the business/residential lots in back for mixed use. One thing that came out of the study was the Selectmen were looking at parking for Livesey Park.

Mr. Hayward noted using language that would encourage new businesses. Ms. Goodrum noted she designed the standards so a developer will know what the Planning Board expects.

Mr. Fleurent asked who regulates the Historical Character and would like to see it in there. Mr. Roth said the commercial structures that are there should be saved and preserved. Mr. Hayward is concerned with the buildings and Mr. Roth noted there is no Historic preservation restriction in Town. (Discussion ensued.)

Mr. Hayward touched on the vacancy rate in that district, which was provided from the census data. Mr. Fleurent said it was 0% because it was compared to statewide averages. Ms. Goodrum noted it is census data, which are estimates. She feels the area has potential and a good neighborhood to nurture. (Discussion ensued.)

Mr. Roth noted after the meeting, a more final draft would be produced.

Mr. Roth felt re-utilization of the buildings was the best route. Mr. Hayward feels an expansion or vision of the District needed to be clear, protect what is there and suggested a section to encourage first floor businesses. Mr. Roth felt they should modify the existing use district because of overlaps and similarities.

Ms. Richard also noted the senior housing potential and Mr. Roth said he will email Ms. Goodrum the proposal. The development project is not contingent on any zoning. Mr. Roth said it would be a friendly 40B, but in mixed use for contiguous purposes.

E. CORRESPONDENCE:

None.

F. OTHER BUSINESS:

1. Economic Development Committee (EDC).

Mr. Roth said in packet, there is a memo dated March 16, 2016, including guidelines for the EDC. There are examples of different communities, etc. The Selectmen have selected members already. They need a Planning Board member and requested that the Planning Board wait until after the election to have a full board to chose from.

Mr. Hayward offered himself for the position and noted the business community has 3 at Large members already.

Mr. Staffon is also interested.

Mr. Farrell, Jr. made a motion to nominate Mr. Hayward as the Planning Board representative and was seconded by Mr. Fleurent, Jr.

Ms. Richard made a motion to nominate Mr. Staffon as the Planning Board representative and was seconded by Mr. Nopper

Roll call vote: Mr. Lucas voted for Mr. Hayward
 Ms. Richard voted for Mr. Staffon
 Mr. Fleurent, Jr. voted for Mr. Hayward
 Mr. Hayward voted for himself
 Mr. Nopper voted for Mr. Staffon
 Mr. Farrell, Jr. voted for Mr. Hayward
 Mr. Staffon voted for himself.

The vote is 4-3 in favor of Mr. Hayward.

2. SRPEDD Commissioner Update: Rene Fleurent, Jr.

Mr. Fleurent said they met in January and had two final candidates for Executive Director, and Jeffrey Walker from Virginia was selected by the Commission. They are still in contract negotiations, but expect the new director to come on board April 18, 2016. They were also informed that zoning Reform Act S122 looks good to be sent to the floor and be approved. The annual SRPEDD meeting will be on May 25, 2016.

3. Town Council recommended changes to Auto/Boat Bylaw Amendment.

Mr. Roth noted in packet first two pages are directly from Town Counsel with comments he is recommending and the next 3 pages is a draft memo that puts it what it would like in the code. Mr. Roth reviewed the recommend changes with the Board. Mr. Roth also noted that if the Board wants to accept these changes and get in the Warrant, it has to be approved tonight. (Discussion ensued.)

Mr. Hayward feels it does refer to existing sites.

Mr. Farrell, Jr. made a motion to recommend to Town meeting and to accept Town Counsel's changes to Auto/Boat Bylaw and to also include amendment to 198.27-F to delete the word "used" and was seconded by Ms. Richards. The motion passed 5-2.

Mr. Staffon and Mr. Fleurent, Jr. were opposed.

Mr. Fleurent reiterated that he made it clear to the Board and he cannot support the new bylaw as he feels it does not give enough protection to the residents who have business in the middle of the neighborhood.

Mr. Staffon noted the Selectmen are in charge of used car licenses and he feels this is not good for future business because he feels it stops business from growing and will not support this at Town meeting.

Mr. Hayward does not feel it is a jurisdictional issue. The site plan requirement is a one-sheet policy given by the Town Administrator and the two documents can co-exist. This only triggers against the old, existing section and this expands it.

Mr. Roth said what has come out of this is a number of display and repair vehicles are going to be reduced. Some licenses will be reduced. (Discussion ensued.)

Mr. Hayward said there had been some discussion about inviting the Enforcement Officer to a meeting to be able to work as a team and go over some issues.

Mr. Farrell said he thinks it is a reasonable request.

Mr. Fleurent, Jr. is in agreement and would like to make a friendly, cordial invitation.

Mr. Roth suggested presenting an outline of what would the Board would like to be discussed.

Mr. Staffon suggested inviting the Town Administrator as well. (Discussion ensued.)

Mr. Roth requested the individual Board members email him and he will compile it and they can discuss at the April 12, 2016, meeting. Once the Board feels there are enough questions or comments, they can request him to come in regarding certain topics. He is also expected to report to the Town Administrator and will discuss this with him as well.

Mr. Roth wanted to give the Board a heads up that he met with Blue Wave, solar project on Mill Road, and they would be removing 36 trees along the south property line, which is allowed per their Special Permit decision.

Mr. Hayward asked if planting schedule was made and Mr. Roth said that there was a replanting schedule. He noted that when the 36 trees come out it will look like a clear-cut, but they are going to replant. It is a hedgerow of scraggly trees.

Mr. Staffon asked re: Union Wharf. Mr. Roth said they are wrapping it up. The contractor is removing equipment and trailer at the end of the week. There are certain things need to be done, paving and light poles will not go up, but they will be open prior to that. They need cleats for lobster boats. Where the new and old wharf meets, there is a junction point and concrete cantilever and 3 pilings have to be installed. The goal is to have it operational Monday April 4, 2016. Mr. Roth does not know when NSTAR will get there. There is no electric. They have set up for 600 amp service and conduit is there so in the future shore side power pedestals can be installed for the large fishing vessels and there are different grants.

Mr. Farrell, Jr. made a motion to adjourn and was seconded by Mr. Staffon. The meeting adjourned at 9:38 p.m.

Respectfully Submitted,

Tracy White,
Recording Secretary