

Minutes
Fairhaven Planning Board
Tuesday, December 12, 2017

The meeting opened at 6:30 p.m. and Mr. Hayward advised the meeting was being recorded and put on Live on Facebook and Government Access.

A. ADMINISTRATIVE BUSINESS:

Present: All members.

William Roth, Town Planner was also in attendance.

Acceptance of Minutes: November 14, 2017 – Jeffrey Lucas made a motion to accept minutes, and Rene Fleurent second. Motion passed with two abstaining, John Farrell and Nicholas Carrigg.

B. CURRENT PLANNING:

1. Form A – Overlook Realty Trust – Between 444-450 Sconticut Neck Road., Map 29, Lot B
William Roth stated this was discussed at length at the last meeting. The proposal is to adjust the property line between the two properties. Lot #1 will be conveying approximately 12,800 SF indicated on the plan as “Conveyance Parcel B” to Lot #1C. Lot #1C will be conveying approximately 37,266 SF indicated on the plan as “Conveyance Parcel A” to Lot #1.

Recommended approval. NO change in frontage.

Wayne Hayward stated it was pretty straightforward. Get it done now vs. later.

Jeffery Lucas made a motion to approve the ANR. Rene Fleurent second. The motion passed unanimously.

C. PUBLIC HEARING:

1. Def Subdivision – Overlook Realty Trust – Between 444-450 Sconticut Neck Rd., Map 29, Lot 1C, is requesting approval for a three lot subdivision.

Wayne Hayward re-opened the Public Hearing continued from November 14, 2017.

Mr. Roth reviewed his Memorandum #3, dated December 7, 2017, to the Planning Board members. He is recommending the approval with fourteen conditions as outlined in his memorandum.

Mr. Hayward advised that Mr. Farrell has submitted a Mullen Rule and all members will be able to vote tonight.

Mr. Hayward stated that Conservation Commission reviewed the plans last night and agreed to the plans.

Mr. Davignon, engineer explained Parcel A is part of the western property and Lot 6 is a part of that. Plans do reflect what the Board and he discussed from previous meeting.

Mr. Lucas asked that the recording of those plans be done prior, but there is no ANR appeals process.

The plans do reflect what the ANR states. Mr. Roth stated the Board could add that as a condition. Mr. Davignon agreed to that condition.

Mr. Davignon addressed concerns from Mr. LeiBerman, who wrote a letter. He stated they did provide a stormwater management plan, and that the roadway will be staked before construction. He said he felt like we addressed neighbors' concerns.

Referring to the letter, Ms. Richard stated there is a condition (#12) that concerns her because she hasn't reviewed the homeowner's association rules.

Mr. Roth stated that the bylaws for the homeowner's association draft are in the file, and more of a fine-tuning piece after the approval. He stated there are very specific things that the Planning Board is interested in and that is that the documents shall indicate that the roadway is to remain private, snow removal and stormwater facilities are to be maintained by the homeowner's association.

Mr. LeiBerman, referring to the stormwater management plan, stated that the downstream wasn't addressed as he understood it.

Mr. Hayward stated that the Town of Fairhaven and Conservation is required to maintain the catch basin system. Mr. Hayward feels the Town of Fairhaven needs to walk the property and maintain the system. "It's our system," he said.

Ann Richard stated that the Town has not maintained those drainage basins to date per Ms. Francis herself.

Brief discussion occurred.

Mr. Davignon stated that the Bristol County Mosquito Control does go there yearly to maintain the drainage ditch that goes out to the ocean.

All the abutters on Jerusalem are all uphill from this subdivision, I'm not sure how they will be impacted, Mr. Davignon stated.

Mr. Hayward reiterated it is a Town issue.

Mr. Davignon explained the wetland replication and how it was not a pond.

John Farrell asked to review the homeowner's association documents before they are going to be asked to vote.

Ms. Lauren Francis, of 1 Smuggler's Road stated there is a recorded easement from 1955 that the Town is responsible for that ditch and drainage easement. She advised it took 17 years to make a repair that took one day to repair. Ms. Francis said there is a very little water that is there, and it goes into the ditch.

Mr. Fleurent stated condition #12 is confusing because it states the "stormwater facilities" are to be maintained by the homeowner's association.

Mr. Farrell stated he said that he too is confused and that's why he asked for the paperwork to be reviewed.

After the "stormwater facilities", Mr. Davignon stated they could add "Within the new roadway lay out".

Mr. Hayward stated the reason why the Board wanted Pavement to the road was because it is a narrow footprint, and everything is in that roadway – gas, electric, etc. The homeowners must understand they are very close to wetland areas in that area. Pavement came up as a stabilization concern.

Members reviewed the homeowner's association document and Mr. Farrell asked that condition #12 needs to be spelled out specifically. Mr. Roth offered the specific language and will make the changes.

Mr. Roth recommended "Gravel bio filter and new culvert will be maintained by the homeowner's association" after "roadway is to remain private, snow removal and."

Rene Fleurent would like to make it as clear as possible that the roadway shall remain private and would like it recorded on the deed as well.

Mr. Farrell read from the homeowner's association that the roadway should remain private "until they go before Town Meeting". And Rene asked that they be stricken.

Mr. Fleurent felt it needs to be made clear that the three homeowners buying this property understand that they are buying a private road.

Mr. Farrell reiterated that he understands condition #12 states that they are approving the homeowner's association. Mr. Roth states that they would approve those at the endorsement, which is when they sign the Mylar.

Mr. Hayward said the Board's intentions as of right now, is that the road remain private.

Discussion on Wide Marsh Beach Road being a private road but utilizing town services such as snow plowing and trash pickup.

Again, Mr. Fleurent stated he would like to see condition #4 recorded on the individual homeowner's deed.

Ms. Melanson asked if they are going to pay any less taxes by being on a private road. The answer was "No." She doesn't understand what the "big deal" is if it becomes a public road in the future.

Discussion ensued.

Mr. Hayward explained that our subdivision regulations are designed to be built to our code. We want the roads accepted as public if they are built to our code.

Mr. Roth echoed what Mr. Hayward stated. He states that his recommendation to the Board is always to accept the road if it is paved. This road is a 16' road that is paved and easier to maintain. He doesn't feel there is much of an issue for accepting of a paved road in the future to be public. He feels that it is easier to make public and maintain than if it had been a gravel road.

Brief discussion about "right to farm" as it is Sconticut Neck Road.

Mr. Roth stated the plans have been changed, so that condition #3 can be removed. The plans being reviewed tonight are updated through December 7, 2017. Mr. Roth said the Board could leave it in there, and just double check all the code citations. Mr. Roth fifteen conditions for approval with #12 being amended and #15, regarding the Form A.

Mr. Hayward – wants to make sure the easement on Lot 6 is stated on plans.

Mr. Davignon stated it is on the plan and the deed will be drafted the same.

Ms. Francis stated it is also on the homeowner's association.

Cathy Melanson made a motion to accept the definitive subdivision revised plans December 7, 2017, for Overlook Realty Trust, between 444-450 Sconticut Neck Road, Map 29, Lot 1C with 15 conditions, subject revised #12 condition & condition #15-added to the Board, prior to endorsement, the applicant shall provide the of recording the Overlook Realty Trust Form A. John Farrell second the motion. The motion was approved with 6 in agreement, 1 in opposition, Ann Richard and Nicholas Carrigg abstaining.

D. LONG RANGE PLANNING:

1. Master Plan Update – Review Chapter 9 – Implementation Matrix – Priorities

Mr. Hayward stated they were asked to nail down the matrix.

Ann Richard reviewed the acronyms not listed in the appendix – WMFH (Whitfield Manjiro Friendship House); FALT (Fairhaven Acushnet Land Trust); Buzzards Bay Coalition (BBC), and NFIA (North Fairhaven Improvement Association).

Ms. Richard added NFIA to the matrix when it refers to the Benoit Square Neighborhood Planning.

Mr. Lucas asked that the “3 corridors of Route 6” be integrated in the matrix.

The Board continued to review the matrix in the housing implementation.

In the economic development matrix, Mr. Hayward advised some of the feelings of the Economic Development Committee members had in regards to removing “seek balance with neighboring land uses”. He stated that some had the feeling that those words shouldn’t be included in “Economic Development”.

The Board discussed that they really are all connected. Many members believe it is more balancing to include the land uses. The consensus of the Board was to keep the goal the same.

Mr. Lucas asked that “parking” be added to 3-4. Mr. Roth added a note to revisit parking as a revitalization tool.

Discussion on public facilities and updated the implementation years to short term vs. long term.

Mr. Hayward asked everyone to keep an open mind that VHB are the Professionals and we are going to meet with them again to review it. Mr. Hayward stated that when we are meeting with the Professionals we can offer our recommendations to them.

Discussion occurred to what the Board members were recommending as far as the timeframe listed and level of effort being minimal or moderate or high.

Mr. Lucas stated this is really a changing work in process document as it will be implemented by current and future employees as listed.

Mr. Roth kept notes on the “questions” to ask/recommend to VHB at a review meeting.

Sustainability Committee has changed its’ name to the Green Fairhaven Committee, and Ms. Richard recommended they be on 1-3 and 1-4 on Open Space/Recreation page 160.

Other recommendations were added to the list.

E. CORRESPONDENCE: None

F. OTHER BUSINESS:

Mr. Hayward advised that the CarriCorp Gas Station has been appealed to Superior Court by the Acushnet Company.

1. Mr. Roth handed out the Planning Board’s FY 2019 Budget and reviewed the memorandum with the Board. The salary item has been increased as the pay schedule used for the current

Recording Secretary was incorrect and has been adjusted for the correction. Intent was to increase the salary line item.

Ann Richard made a motion to approve the proposed FY 2019 budget for \$7,105 and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. SRPEDD Report – Mr. Fleurent gave an update from SRPEDD. He spoke about commuter rail not coming down to this area anytime soon. Still being worked on.

Mr. Hayward stated that VHB is moving forward with other Towns in the Commonwealth in permitting the train.

Mr. Roth stated that MassDOT and SRPEDD cannot come to an agreement on the role SRPEDD will be taking in the public outreach for the Southcoast Rail Project.

Discussion ensued.

In other business, Mr. Fleurent discussed the information that every Board member received on The Great Neighborhood Bill (H. 2420): What's in it for Planners?

Cathy Melanson made a motion to adjourn and was seconded by John Farrell. The motion passed unanimously. The meeting was adjourned at 9:00 p.m.

No meeting on December 26, 2017. The next possible meeting would be January 9, 2017 but Mr. Roth indicated that nothing was on the agenda. However, the January 23, 2018 meeting will occur since there are items on that agenda.

Respectively submitted,

Patricia A. Pacella