

Minutes
Fairhaven Planning Board
Tuesday, April 10, 2018

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TOWN CLERK

2018 MAY -3- A 11:02

FAIRHAVEN,
MASS.

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

A. LONG RANGE PLANNING:

1. Master Plan Presentation

Wayne Hayward explained the Master Plan Process and advised the Board has been planning with and preparing this Master Plan for the last year or so. He said it was a very important document that would that would be implemented within the next 20 years. He then introduced VHB Consultant, Geoffrey Morrison-Logan.

Mr. Morrison-Logan was the Consultant hired along with his team from VHB who consulted with the Planning Board, the public, conference calls with Mr. Bill Roth and Mr. Hayward. Mr. Morrison-Logan gave an overview of the Master Plan, some of it's goals and recommendations and implementations.

Mr. Hayward said this Masterplan wouldn't collect dust and is going to be a living document. He thanked Mr. Roth for all his hard work on the Plan.

Town Administrator, Mark Rees was present and thanked everyone for their hard work on the Master Plan and said it was time to start implementing it, and he looked forward to doing that as well.

Board member, Ann Richard commended Bill Roth and Wayne Hayward for their hard work on the plan.

Mr. Hayward asked Mr. Roth to speak on behalf of the Master Plan.

Mr. Roth stated he had been involved with seven different consulting contracts before his departure from Fairhaven and all the contracts have fed in one way or another into the Master Plan. "It was a labor of love," he said. But he also said that implementation was going to be key, and what the Town's zoning by-laws look like now versus in the future will be very different.

Mr. Hayward said that implementation will be an on-going discussion on their agenda to keep the discussion going on how to get there.

Ann Richard made a motion to formally adopt Master Plan 2040 and was seconded by John Farrell. The motion passed unanimously.

Ms. Richard also asked that the Master Plan be mentioned at Town Meeting on May 5, 2018.

B. ADMINISTRATIVE BUSINESS:

Present: Wayne Hayward, Nicholas Carrigg, John Farrell, Jeffrey Lucas, Cathy Melanson, Ann Richard, and Geoff Haworth.

Absent: Rene Fleurent

Board Elections:

Chairman: Secretary, Pattie Pacella opened the nominations for Chairperson. Ann Richard nominated Wayne Hayward for Chairman and was seconded by Jeffrey Lucas. The nomination was unanimous.

Chairman, Wayne Hayward continued with the Board Elections.

Mr. Hayward nominated Rene Fleurent for Vice Chairman, there was no second.

Ann Richard nominated John Farrell for Vice Chairman and was seconded by Cathy Melanson. The Board voted 6-1. Mr. Farrell will be the Vice Chairman.

Clerk: John Farrell made a motion to nominate Ann Richard as Clerk and was seconded by Cathy Melanson. It was unanimous.

SRPEDD Commissioner: Jeffrey Lucas nominated Rene Fleurent for SRPEDD Commissioner and was seconded by Cathy Melanson. It was unanimous.

PB Representative to EDC: Wayne Hayward nominated Cathy Melanson. It was unanimous.

PB Representative to Marijuana Committee: Cathy Melanson asked to continue to serve on this committee, as it is just getting underway; with Ann Richard as the alternate. Unanimous.

Authorization for Chairman to sign Payroll: Jeffrey Lucas made a motion to allow the Chairman to sign Payroll and was seconded by Ann Richard. The motion passed unanimously.

Acceptance of Minutes: March 27, 2018 – Ann Richard made a motion to accept and was seconded by Cathy Melanson. The motion passed with one abstaining, Geoff Haworth.

Planning Board Bills:

1. Ads – **JE from BOS** - \$288.00

Wayne Hayward explained this was funds used for exploration for the new Town Planner. Jeffrey Lucas made a motion to pay the \$288.00 from Planning Board to the Board of Selectman for the ads for the new Town Planner and was seconded by Ann Richard. The motion passed unanimously.

2. *Legal Ads* - **Neighborhood News** — Bisbano/Citizens Bank - \$110.00

Jeffrey Lucas made a motion to pay the \$110.00 to Neighborhood News and was seconded by Ann Richard. The motion passed unanimously.

C. CURRENT PLANNING:

Receipt of Plans: None

Approval of Plans: None

Street Acceptance: Request to Recommend Acceptance of Doane Court

Wayne Hayward explained this was a three-lot subdivision since 1985, there was a covenant in place and then a lot was sold in July 2017. A surety of \$30,000 was taken at that time. Mr. Hayward explained that normally the street should be completed before it is recommended to Town Meeting. He stated that former Town Planner, Bill Roth recommended to NOT recommend the street acceptance as did Interim Planner, Connie Brawders.

Geoff Haworth asked if the street was paved at all? Mr. Hayward said it was not.

Mr. Hayward explained there was a culver under the road, it was in an AE Velocity Zone. He said the Planning Board does have two covenants on the other two lots.

Mr. Lucas said he knows that the applicant has been in contact with John Charbonneau and wondered if they could wait until the next meeting to make a decision.

Mr. Hayward felt the decision needed to be made tonight as the Town Meeting date is just a few weeks away.

Nicholas Carrigg made a motion to recommend to Town Meeting NOT to accept Doane Street and was seconded by Ann Richard. The motion passed unanimously.

D. PUBLIC HEARING:

1. **Rezone** – Applicant, Scott Snow is seeking to rezone two parcels of property located on Huttleston Avenue approximately 100-feet West of Gellette Road from Single Residence Districts (RA) to Apartment/Multifamily (RC); and the second lot, Map 31, Lot 117C from Business District to Apartment/Multifamily Districts (RC). (con't from 2/27/18)

Attorney Michael Kehoe was present on behalf of Scott Snow, who was also present. He explained what his client was looking to do and had a rendering and a picture (from the Mattapoisett condominiums) that his client was thinking of doing in this area. He said it would be 18 condo's with 3 units per building. Mr. Kehoe said certainly there was a lot more work that had to be done, and attending a Conservation Commission meeting would certainly have to be planned as well. He said they were looking at two bedroom units, six buildings.

Jeffrey Lucas said they can't be voting on the proposal that is not what is in front of the Board at this time. He said that area of Route 6 is certainly notorious for accidents.

Wayne Hayward expressed there were a lot of wetlands on the property.

Mr. Hayward also stated that what is in front of them is to recommend or not to recommend to Town Meeting whether a rezone should take place.

Resident, Dave Vincent spoke against the rezone stating the area was too dense for this project.

Another resident also said that the wetlands in that area is already a problem and she didn't agree with rezone.

Another resident from that area stated that he spoke to the applicant after the last meeting and he is alarmed tonight that the lawyer has paperwork of what might happen. He said he is sick and tired of people thinking that Route 6 can just become anything.

Mr. Hayward explained to the Board that RA needed 100' frontage, it was access and not density. He said East Fairhaven School is right there and there is a school crossing that lands right in front of the property. He said there is 'good and bad development'. He said if the Board felt comfortable with the density, the applicant could offer a surety agreement with the Board.

Mr. Hayward explained a rezone at Town Meeting required a 2/3's vote and it could be a tough vote.

Ms. Melanson said that she would feel more comfortable with a voluntary covenant.

Ann Richard offered another suggestion, asking Attorney Kehoe if his client would consider keeping the land RA to keep single style homes on the property.

Attorney Kehoe said he didn't think that made economic sense.

Ms. Richard said that at the last meeting, Mr. Snow kept repeating that he was willing to work with the neighbors and if that was the case perhaps tonight's meeting wouldn't be so full.

Mr. Hayward stated another avenue was that the applicant could agree to a voluntary covenant to what would be on the property.

Ms. Richard asked what their minimum housing number is.

Attorney Kehoe said that he would like to request a continuation to the next meeting so he could speak to his client and consider a voluntary covenant proposal for the Board to consider. He would also think about what their minimum number would be.

Cathy Melanson made a motion to continue the rezone to April 24, 2018 per the applicant's request so they can review and discuss a voluntary covenant with the minimum number of housing for the project and was seconded by Nicholas Carrigg. The motion passed unanimously.

2. Repetitive Petition – 3 Sedgewick Road – Scott Snow

Wayne Hayward opened the Public Hearing for 3 Sedgewick Road, applicant Scott Snow and then he read the advertisement.

Wayne Hayward explained the repetitive petition procedure calls for the Planning Board to hold a public hearing on the petition and to make a determination that the petition before it is specific and materially different from the proposal that was originally reviewed. He said if such determination can be made, a positive vote of seven of the eight members is required; whereas tonight one member was absent, all seven would have to vote positively.

Mr. Hayward said the square foot of the lot and frontage is different that the first filing with the Zoning Board of Appeals.

Resident, Maria Santos said that someone asking for 75% of a variance on this property is setting a precedent for others to come forward and do the same.

Mr. Hayward explained that the Planning Board is only concerned that the plans presented are different than the first ones that were filed with the ZBA.

Other residents in the room argued that they didn't like the project and this was "sleaze ball development".

Jeffrey Lucas made a motion to approve the Repetitive Petition because there is material differences since the first filing with the ZBA and was seconded by Cathy Melanson. The motion passed unanimously, 7-0.

3. **Special Permit** – The applicant, Clean Energy Collective, LLC is requesting approval to construct an approximate 3 megawatt solar farm consisting of approximately 11,000 ground mounted solar panels on two lease areas for a total lease area of approximately 15 acres. The location is 20 Yankee Lane, Map 39, Lots 16, 23 & 30. (con't from 2/27/18)

Jeffrey Lucas made a motion to continue at the applicant's request to the April 24, 2018 meeting and was seconded by Ann Richard. The motion passed 6-1, with Geoff Haworth abstaining.

4. **Special Permit** – Bruce Bisbano & Assoc., Inc – Citizens Bank in the former Pizza Hut building.

Wayne Hayward reopened the Public Hearing.

Applicant's project manager, Matt Silvia went over the changes that have been made to the plans since their last meeting.

There was discussion on the parking lot to the North.

Mr. Hayward said he liked the new changes, he just wanted to make sure they understood the parking lot to the North is also their property.

Cathy Melanson made a motion to approve the Special Permit for Citizens Bank and was seconded by Ann Richard. The motion passed unanimously.

Wayne Hayward made a motion to change the use from a restaurant to a bank and was seconded by Cathy Melanson. The motion passed unanimously.

E. CORRESPONDENCE: None

F. OTHER BUSINESS:

1. Recreational Marijuana – Committee Update

Cathy Melanson asked that this discussion take place at their next meeting because there would be a lot to discuss.

Ann Richard stated that Connie Brawders had put it out to other Towns that have already been through this process and came back with a list of Towns and names they could reach out to .

More discussion will take place at the Board's next meeting.

Nicholas Carrigg made a motion to adjourn and was seconded by John Farrell. The motion passed unanimously. The meeting was adjourned at 8:45p.m.

Respectively submitted,



Patricia A Pacella
Recording Secretary