



# FAIRHAVEN PLANNING BOARD

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## Fairhaven Planning Board *Minutes*

Tuesday, December 8, 2020 – 6:30pm  
Town Hall, 40 Center Street,  
Fairhaven MA 02719

### 1. GENERAL BUSINESS:

a) Chair's Welcome and Media Notification - Mr. Farrell opened the meeting at 6:38p.m. He advised that the meeting is being televised and recorded and read the amended Open Meeting Law announcement with respect to the State of Emergency. Mr. Farrell introduced the Planning Board members.

b) **Quorum/Attendance (via Zoom remote platform):** Present: Chairperson, John Farrell, Wayne Hayward, Cathy Melanson, Jessica Fidalgo, Jay Malaspino, Jeffrey Lucas and Rene Fleurent.

Absent: Geoff Haworth

Mr. Foley, Town Planner was in attendance in the Banquet Room.

c) **Minutes:** November 10, 2020 draft to be reviewed - Cathy Melanson made a motion to accept the minutes for November 10, 2020 and was seconded by Mr. Lucas. The motion passed unanimously via roll call vote 7-0.

d) **Planning Board Bills:** Fairhaven Neighborhood News Bill for \$170 for G. Bourne Knowles rezoning advertisement. Jeffrey Lucas made a motion to pay the Fairhaven Neighborhood News \$170.00 and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 5-0.

e) **Correspondence:** Yankee Lane SPEF Extension Request (Automatically extended due to Covid) Mr. Foley received an email from Mr. Carey inquiring about the valid permits that are on hold per Governor Baker's orders since the COVID outbreak. He stated that they are on hold until 90 days after the State of Emergency. Mr. Hayward stated that all permits would go through the Building Commissioner and as long as they show they are continuing working on the permit it would be up to him to extend it per the law. Mr. Hayward referred to it as the "good cause extension." Mr. Farrell asked Mr. Foley to meet up with the building commissioner to review.

f) **Appointments:** Economic Development Committee; Complete Streets Advisory Committee

Mr. Farrell stated that Mr. Haworth had resigned from the Economic Development Committee and asked if anyone was interested. Ms. Fidalgo asked about the requirement.

Mr. Foley stated it is an advisory committee that meets once a month to look at economic development in the town of Fairhaven. He said Ms. Melanson is also on the Board. Ms. Fidalgo stated she would be interesting in volunteering.

John Farrell nominated Jessica Fidalgo to the EDC and was seconded by Cathy Melanson. On the question, Mr. Farrell asked what the commitment was and Mr. Foley said it was ordinarily the 3<sup>rd</sup> Thursday of the month, once a month, however, next week it falls on Tuesday. The motion passed unanimously via roll call vote, 7-0.

Complete Streets Advisory Committee: Mr. Foley stated there is still an opening and the first meeting is this Thursday at 11:00a.m. He said they will probably only going to be meeting four to five in the next few months. Mr. Charbonneau, Mr. Furtado, and Police Chief are among others.

## **2. PUBLIC HEARINGS:**

Public Hearings: Scheduled Continued Public Hearing from October 27, 2020:

- i. SP2019-13 - Lewis Landing/Huttleston Multi-Unit Rentals: Continued Public Hearing on proposal to create twelve (12) 2-bedroom rentals in four buildings on 2.5 acre on Huttleston Ave (Map 31, Lot 117C)

Mr. Richard Rheume, Engineer was present. He stated that revised plans were submitted today and drainage calculations were submitted. He said they need to determine if the Planning Board wants to send it out to peer review. He said they would only be asking for a waiver on side slope to be 3:1 instead of 4:1.

Mr. Foley confirmed the plans were just dropped off today. He said he needs to be in touch with the peer reviewer to find out the cost, if Planning Board wants to send it to them. He estimated there was about \$1,000 in the 89 Account currently, and has not received a bill from Tom Crotty as of yet.

Mr. Hayward asked Mr. Rheume to describe in layman terms what has been accomplished in order to determine if peer review will be required.

Mr. Rheume stated that many more infiltrators have been added on the site and they have left the surface infiltration to the West side of the property. He said there is no overflow of the retention basin going toward abutters; the excess water will be going into the pipe.

Mr. Hayward asked him to describe the infiltrators.

Mr. Rheume said imagine a half pipe with a 30" diameter pipe cut in half, a half dome with 6" crushed stone underneath and 6" crushed stone on the side and on

top of it. This would be a whole series of those in rows for underground storage. They would be located along Route 6 and between the two units and to the right near the retention basin. So they are in different areas on the site, infiltrated uniformly among the site.

He said the roof runoff goes into the infiltrators, which is considered clean water. The water on the surface goes into the infiltration underneath.

Mr. Farrell cautioned against share screening or taking testimony, as Mr. Haworth is not present and they will have to continue the hearing regardless.

Mr. Hayward asked about maintenance to the system. Mr. Rheume said there is no maintenance to the system; it has monitors so it drains down in 48 hours or so like a septic system. It is not maintained.

Mr. Hayward recommended it be reviewed by their peer reviewer.

Mr. Farrell asked Mr. Foley for the next available date in January. Mr. Foley stated their January meeting would be January 12, 2021.

Mr. Rheume asked for a continuance to the January 12, 2021 meeting.

John Farrell made a motion at the applicants request to continue to January 12, 2021 and it was seconded by Jeff Lucas. On the question, Mr. Lucas asked if Mr. Haworth would be able to file another Mullins. Mr. Farrell did not think Mr. Haworth would be able to file a Mullins. Mr. Lucas asked how many members can vote on this project. Mr. Foley said still seven. Ms. Fidalgo was ineligible to vote and if they lose Mr. Haworth's vote, it would go down to six. Motion passed unanimously via roll call vote, 7-0.

### **3. CURRENT PLANNING:**

#### **a) Possible New Bylaws for Review**

Mr. Hayward made a motion to take Mazda Signage Plan out of order and was seconded by Mr. Lucas. The motion passed unanimously 7-0.

#### **b) Receipt of Plans: Mazda signage plan; Overlook Realty Subdivision Covenant Release; Hereneau Definitive Subdivision (is lot buildable?)**

Taking the Mazda Signage Plan out of order, the Board began discussion. Mr. Foley put the Mazda Signage Plan on the screen. He explained the condition about the signage plan, "planning board reserves right to review for 4 years in case it's not working." Mr. Foley described per the plans where the signage was taking place on the property. Mr. Foley

suggested absolutely no left turn, where the board had concerns on Bridge Street where the left turn might take place.

Mr. Hayward stated he couldn't approve the way it is. He said thinking of future marketing of the property that developers don't like negative signs, so he would prefer to see positive signs. Mr. Hayward compared, "No left turn" to "right turn only" whereas, "right turn only" is less negative. He stated that regulatory signs have to be white background, black lettering. Mr. Hayward stated his objection of sign #1 where it implies right turn only but also needs to specifically say "right turn only" with an arrow would be what our intention is.

Alden Mazda owner, Craig Lutz was present and stated they had painted 'stop' on the ground right there and he was open to painting "no left turn" as well if he thought it would help send the message. He stated that the Department of Public Works had gotten a little upset with him at one point because it was their sign on the property, so he didn't know what he could touch at that area. He said he would do whatever is necessary to keep people safe.

Mr. Hayward said he strongly feels it should read, "Right turn only," with an arrow.

Mr. Lutz asked if they should paint, "stop or no left turn." Everyone agreed the stop line is a good idea, but anymore language might be too busy and not noticeable to the driver.

Mr. Foley asked if the Board wanted DPW to review the signage, and Mr. Hayward said no, that this signage is under the purview of the Planning Board only.

John Farrell shared concerns about traffic stacking at the stop line, and expressed that it should be moved forward. Mr. Lutz agreed to having it more forward.

Mr. Lucas said this was a crucial stop and he felt the problem is we are not going to stop people from turning left in or left turn out. He said it would be interesting to see a twenty day study to see just how many cars take that left hand turn. He said he doesn't feel that the signs are going to stop the left hand turns and he isn't sure there is a solution.

Mr. Lutz said they create less traffic than the Wal-Mart parking lots, and he can't eliminate driving nature as people are still going to do things they're not supposed to be doing. He said they will do their best to eliminate the left hand turns and stated they agreed to the four years to be reviewed. He said he is invested into this and he wants his business to be safe.

There were no further questions on the signage. Mr. Foley said they will revise and they can vote on at the next meeting.

Overlook subdivision realty - Mr. Foley received a covenant release, but had not had an opportunity to go out there. He said he will be in touch with Vinnie Furtado and go out there sooner than later.

Hermeneau Definitive Subdivision - He said this was a preliminary subdivision in 2014, but he found a letter in the file from Mr. Wayne Fostin that there was a determination that the lot was not buildable. He said then in October 2019; Mr. Kristian White had produced a letter with information from the Mendonca's (who sold it to the Hermeneau's) that said the lot was buildable and the determination was made based on materials that the Mendonca's brought in. Mr. Foley stated he reached out to Tom Crotty, who said he doesn't remember this project. Mr. Foley just received the paperwork that Mr. White received to make that determination with Tom Crotty but hadn't had an opportunity to review it. Mr. Hayward stated he would like to also review the paperwork. Mr. Foley stated it stands now that the applicant needs to prove to the Planning Department that it is in fact a grandfathered lot, which would come to them as a one-lot subdivision.

Mr. Hayward stated he does vaguely remember a conversation with the previous building commissioner. He said he would be open to reviewing any information on file.

#### **4. LONG RANGE PLANNING:**

Town Planner Update:

Route 6/240 Redevelopment Study; Complete Streets

46 Sconticut Neck subdivision should be submitted expected next week.

Bylaw review: Mr. Foley, Building Commissioner, Mr. Carmichael and Wayne Hayward started the conversation of short-term rentals today. Chris Carmichael can be enforcer agent. They agreed they need to discuss the basics and a draft bylaw will be written by Mr. Hayward using the Barnstable process. Mr. Foley believed the key concept would be how to allow it in town and not let it get out of control. They plan on meeting again soon and hoping to have a public hearing in January or February.

Mr. Hayward stated they did make some progress today with their discussion. He said he felt there are some conversations that still need to be on their radar, especially where he is working with Victoria Wood, a law student most recently.

Mr. Hayward stated that he feels they have dropped the ball specifically on the inclusionary bylaw they discussed a few years ago and they need to have that discussion soon.

He also believes when they placed mixed-use in North Fairhaven that was only step one, now we need to add some backup language to it. He also believes they should try to add a Mixed-Use zone down Sconticut Neck Road.

The Board continued discussions around rental units in Fairhaven and cost. Mr. Hayward said he would like to see affordable units blend in with regular units. With using an example of Lewis Landing, where they have twelve units available, they could use two as affordable units.

Solar Canopies: Mr. Foley reviewed a few inquiries for solar canopies, one at David Drown Boulevard as well as St. Joe's Church parking lot. Solar is allowed everywhere in Town but not for export. Mr. Foley would like to work with Mr. Hayward on language for a Special Permit for canopies as an accessory use in the Business and Industrial that might allow export. More to come.

c) Town Planner Update:

Rt. 6/240 - complete streets - advisory meeting this week.

SRTA meeting next week. Fares on busses are currently not being collected but they have a "Step up plan" starting on March 1, 2021 where they are going to begin to collect fares, albeit less, again.

Rogers School – An RFP that was put out for 2-3 weeks, has been extended to January 19, 2021. A few people have asked about the site. He was able to locate a site plan from 1957 from Kelleher Architects with the underground utilities on that plan. The Select Board is simultaneously working toward moth balling the building in case none of the RFP's work out.

Oxford School - looking to start work on March 1, 2021.

Mr. Foley explained that on the website he has added a Complete Streets page with information if anyone would like to read more. He said they are asking people to go to the page which includes an interactive map where you can note where the bad connection or points are on the map or suggest new routes or mark any other ideas. They are trying to encourage public input.

Mr. Foley reviewed the CDBG webpage that he added where more information on what has been accomplished through that program can be found.

Mr. Hayward stated he had some concerns that the Route 6/240 Development Study looked like it was growing every time the information was reviewed. Mr. Foley stated it was the same size as he has begun discussing since the beginning. Mr. Foley continued to review with Mr. Hayward adding discussion.

Mr. Foley stated that the Planning Board budget is required and due by December 21, 2020. He said they will submit a level funded budget. Mr. Farrell asked for him to circulate the budget to the members. He said he will be asking for a level-funded budget for the Planning Department as well.

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote 6-0.

**5. OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

Mr. Farrell asked if there had been any information back on the subdivision on Rt. 6. Mr. Foley said he has not received anything as of yet.

Respectively submitted,

Patricia A. Pacella  
Recording Secretary