

Fairhaven Planning Board
Minutes
Tuesday, June 2, 2020 – 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

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FAIRHAVEN,
MASS.

Mr. Farrell opened the meeting at 7:06 p.m. via remote Zoom.

Present in the banquet room was Town Planner, Paul Foley.

1. GENERAL BUSINESS:

a. Present: Chairperson, John Farrell, Vice Chairperson, Ann Richard, Wayne Hayward, Rene Fleurent, Cathy Melanson, Jeffrey Lucas, Geoff Haworth, and Jay Malaspino were all present remotely through a Zoom Meeting Venue.

b. Absent: None.

Cathy Melanson made a motion not to have a roll call vote when voting and was seconded by Jeffrey Lucas. Per the roll call vote, all Planning Board members agreed. The motion passed unanimously.

c. Minutes

- a) Approve the minutes of May 26, 2020 – Mr. Foley said he has not had time to review them with the quick turnaround for the specially scheduled meeting of the board. They will be at the next meeting for review approval.

e. Planning Board Bills: None.

f. Correspondence:

Letter sent by Richard Rheume regarding Lewis Landing, Mr. Foley stated he just received it last night and hasn't had an opportunity to review it thoroughly. Mr. Rheume says he wants to not cut down trees in a proposed infiltration area that GCG is saying is required by the Regulations.

2. PUBLIC HEARINGS

- a) Public Hearings:

SP 2019-15 – Mazda Dealership/Carapace LLC: To create a new Mazda dealership on the corner of Bridge Street and Rt. 240 (Map 36, Lot 215)

Mr. Farrell opened up the Public Hearing.

Craig Lutz was present as the applicant as well as his engineer, Richard Rheume.

Mr. Lutz reviewed the project. He stated the project was first approved in 2016 however, the permit lapsed at that time. He said that Conservation is now satisfied with the plans and they are waiting for any changes or approval from the Planning Board. Mr. Lutz stated the Mazda building will be a larger size with new requirements. He said they have made changes to the Bridge Street buffer from 5' to 15', a total of 20' with plantings and such. He stated the 2016

approval had only a 5' buffer. Mr. Lutz stated he and Mr. Foley had many discussions on the lighting and that the proposed lighting is LED directional lights. They have no interest of leaving the lights on all night. He said that currently they generate over \$60,000 annually in property taxes and he says that increasing with the new building. He stated that they currently employ ten people with Mazda and is hoping to hire another 20. He is very proud to say that 100% of the employees have been retained throughout this Pandemic. He loves doing business in Fairhaven and sees his business maintaining in Fairhaven for a long time to come.

Mr. Foley reviewed his staff report dated May 29, 2020 with a complete slide show for the Carapace Mazda project. Mr. Foley stated the building request is 40% bigger than the Special Permit that was approved a few years ago at 14,000 sq. feet and is a two-story with 54 parking spaces.

Mr. Foley shared the planning concerns for the proposal. He said there was going to be a 15' high "Mazda" sign at the gateway into Fairhaven instead of a Welcome to Fairhaven sign. The applicant is requesting relief from Stormwater regulations, The site cannot be developed without two of the waivers. The Site is entirely located within HSG 'D' soil with a very high water table. Therefore, infiltration as required by Fairhaven regulations is not possible. One of the waivers would require less steep slopes to the constructed next to the constructed wetland and forebay. If the slopes were 4H:1L as required then the pavement would have to be reduced approximately 15 feet deep along the guard rail.

The proposal to allow left turns onto Bridge Street has been removed. If cars were to attempt a left turn out of the driveway it was create additional conflicts on one of the busiest roads in Town. The existing Alden Buick has a significant amount of bright lighting that spills beyond the property border and detracts from the area. The lighting plan shows seven 25' tall LED mounted light poles along the perimeter of the property; two (2) 15' tall LED mounted light poles at the entry to the property and along the drive; and four (4) 20' tall LED mounted light poles around the building.

The adjacent Alden Buick, owned by the same entity, has a significant impervious surface that contributes to the wetness of this site. Mr. Foley went over the comments from Town boards. Mr. Foley stated he had concerns about the lighting of the project and the waivers. Why have rules?

Engineer, Richard Rheume, was present. He said they have satisfied the Fire Department's concerns and placed the fire hydrant where the Fire Department requested it. He said they also had a discussion with DPW about the water mains and have satisfied their comments. As far as the lighting, Mr. Rheume stated that the lights are shielded and meets all of the Planning Board's standards.

Mr. Farrell opened up the comments to the Planning Board Members.

Mr. Haworth stated he believed they were at a point now to move forward and approve the Special Permit. He said there has been a lot of revisions and it's been an on-going project since last Fall. He believes it is a good fit for the area and ready to move on to approve.

Mr. Farrell asked if there were any underground storage tanks, which Mr. Lutz said there was not. Mr. Lutz did say there was an oil/water separator and it is serviced annually.

Mr. Farrell asked if there was any thought to making the exit from Bridge Street a 'one way' either in or out. Mr. Rheume stated that he has driven through the area at different points of the day and there are big gaps in the traffic. He said it's only really busy two times a day, during the morning and afternoon rush. They project a car every 15 minutes, which is not heavy flow of traffic. Mr. Foley said you have to add in the trips from the GMC lot as well.

Mr. Lutz said they have not had a conversations regarding the exit from Bridge Street, but willing to hear what the Planning Board had concerns about.

Mr. Farrell asked if there was any opportunity to scale back the lighting.

Mr. Rheume stated it was not luminary lighting, the lighting was an average of four intensity, which is low lighting LED lighting and only shining in the lot. He said it was very moderate lighting. Mr. Lutz stated there were six lights on the outskirts of Route 240 with the rest are on the main driveway.

Mr. Lucas had some concerns about the lights, 7' from the curb. He said it sounds high and bright. Mr. Lutz explained the lights on the building – 13 lights on the building.

Ms. Richard asked about how high is the existing Mazda sign. Mr. Lutz stated the current height of the sign is 20', whereas the proposed is 15'.

Mr. Hayward said there are minimum lighting requirements by state of Massachusetts that have to be met. Some of the new LED lights are dimmable but not as cheap as the single voltage. He said all poles should be in the details sheet (common element) so we can get indication of what they will look like.

Mr. Fleurent stated he was concerned about the lighting washing out on the Route 240/Bridge streetlights. Mr. Rheume was not concerned that was going to occur. He said they would be open to a condition regarding light spillage into Bridge Street to be dimmable or shielded in the future if necessary.

Mr. Hayward asked about the gate and if it will be used. Mr. Lutz stated both gates will be taken down.

Mr. Hayward asked about the stormwater units, stormceptors, with the increased volume on sight and will the run-off be evenly split between the 240 and Bridge Street discharge. Mr. Rheume stated that more is going East toward 240 but there would be less volume going by at any given time. Mr. Hayward stated that the volume is going to be doubled.

Mr. Rheume explained that the pipe will be flowing half full for a longer time, therefore, less rate of flow for a longer time. Mr. Rheume stated the waiver was to allow higher volume making flow better downstream. It would be less cubic feet per hour, so it would run for a longer time.

Mr. Hayward suggested that the applicant refer to Section 194-4, 3 (an exempted project) prior to reviewing the stormwater with the Department of Public Works. He said it would save them another stormwater review with the DPW.

Mr. Lucas asked about snow removal and if it's on the plan. Mr. Rheume stated it would depend on the amount of snowfall. It could be put on the site if small enough or be trucked off-site.

Ms. Richard shared concerns about the traffic traveling east and that there was no signage that stated 'do not enter' to prevent people from making a left turn from Bridge Street. Mr. Lutz stated it is not a permitted left turn. He said the right in/right out driveway was designed in 2007.

Ms. Richard asked if the plans have been routed since the first time they were routed back in January, because the financial/tax collector's office stated there was an open balance. Mr. Foley stated they have not seen the revised plans and no rerouting had taken place because the plans are essentially the same. However, before a building permit is issued the finance/collector's office has to sign off.

Ms. Richard stated she still had concerns on the project as it is an entrance into Town; the site had a lot of wetlands on it. Ms. Richard asked if the plan was to still install solar panels on the roof. Mr. Lutz said it was. He said it would be roof mounted solar panels and will offset 80-90% of their standard electricity.

Mr. Hayward asked the applicant to proposing signage to anyone leaving the site, directing traffic signs facing inward and from street side. Currently there are no signs informing drivers to not enter. Mr. Lutz said he was open to providing signage as the Planning Board saw fit.

Mr. Farrell would like to see signage not controlled by DPW, but by the applicant. He said he thought it was a good idea to put a stop sign at the exit point with a stop line and a 'do not enter' going in. Mr. Lutz has no problem providing that extra signage.

Mr. Hayward asked if the applicant would be open to the Planning Board having the right for two years after occupancy to review any signage. Mr. Lutz agreed upon signage and a plan submitted before occupancy to make any necessary adjustments as needed going forward. Mr. Lutz stated he owns the site and maintains it.

1. Mr. Foley reviewed the possible conditions including both the usual conditions and some specific to this project. For lighting he suggested: All exterior lighting shall be dark sky compliant, downward shielded and be on timers and have cut-off fixtures to shut off no more than three (3) hours after sunset or two hours after business close, whichever is later. No glare shall be emitted beyond the property line or into the public right-of-way.

Security lighting shall be motion-sensitive. He also noted that for the driveway he suggested: There shall be no left turn allowed out of or into the driveway on Bridge Street.

There was no one in the audience who wanted to speak on the project.

Mr. Lutz had no concerns on the 21 conditions listed on the draft or those discussed this evening.

Mr. Foley stated he had written down an additional four conditions that included the snow removal shall be taken off site: a condition for the utility and access easements and the signage upgrades. As well as a condition that the Planning Board reserves the right to review the turns in/out of the site, checking the adequacy of the signage within 24 months after the occupancy permit.

Everyone agreed to a total of twenty-five conditions, twenty-one in the draft and then four discussed this evening and listed above.

Mr. Hayward made a motion approve the Special Permit application for Carapace Mazda LLC SP2019-15 along with the twenty-five conditions as discussed and was seconded by Ms. Melanson. A roll call vote was taken: John Farrell, affirmative; Cathy Melanson, affirmative; Geoff Haworth, affirmative; Jay Malaspino, affirmative; Ann Richard, in opposition; Jeff Lucas, affirmative; Rene Fleurent, affirmative and Wayne hayward in the affirmative. The Special Permit was approved 7-1.

b) Receipt of Plans: Form An ANR: 110-114 Green Street

Mr. Foley stated this was an item for discussion by Dan DeJesus and Susan Lamar; and Mike & Susan Ristuccia with a property line between them, against 110 Green Street. He said it was a pre-existing non-conforming lot that one owner wanted to sell the other owner 20' edge to make a little their yard a little bigger. He said the ANR would not be creating a new lot. He said the ANR has been held up waiting for a more descriptive narrative and because he couldn't bring the Mylar around to be signed, but could now bring it to the members if they agree to it.

Mr. Hayward had concerns there were no notes on the plans on what actually was taking place. He said it appeared as four parcels, but there was no indication on the plans, and the engineer was not familiar to him.

Mr. Farrell asked to move to the next meeting to get additional information from the engineer.

Mr. Fleurent stated he was fine with waiting until the next meeting.

Mr. Foley stated the next meeting is June 23, 2020.

c) Upcoming Public Hearings:

- i. **SP 2019-13 – Lewis Landing/Huttleston Multi-Unit Rentals:** Tentatively June 23 – still waiting for additional information – will not be on June 23rd.
- ii. **Text Amendment to allow Special Permit up to 3 years** – waiting for full Town Meeting date

- iii. **RZ 2020-01: Crow Island Rezone to MU:** Mr. Rees spoke to the applicant to ask if they wanted to withdraw their request from June's Town Meeting and they said they understood if TM didn't get to them, but they did not want to withdraw. Mr. Foley stated he has reached out to them for more information and to have them come before the Planning Board for suggestions on how to proceed.

2. **CURRENT PLANNING:**

a) **Town Planner Updates:**

Mr. Foley stated that as of yesterday, the Senate responded positively to legislation that would allow the NFIP Maps to be approved temporarily during the State of Emergency by the Select Board. It has been sent to the rules committee. He said that FEMA has now changed the date saying they want approvals by May 29, with Fairhaven being July 8, 2020. He said SRPEDD said they would have an update Friday.

Mr. Foley updated the Board Members regarding the gas station at 277 Bridge Street, who are seeking a temporary occupancy permit as they want to open this week. He said he received an email from the applicant's attorney requesting a 90-day temporary occupancy while they finalize the 17' easement/dedication condition.

Mr. Farrell stated he had a discussion with Mr. Foley, and it appears the Building Commissioner, Mr. White was on board with the 90-day temporary occupancy.

Jeffrey Lovely, also an attorney working with the gas station was present on the Zoom remotely. He stated they have no problem with the 17' easement condition but it's taking a little longer, as it is a different procedure to meet with the Town. They are just asking for a little more time to get that done, but in the meantime want to proceed with opening with a 90-day temporary occupancy

Mr. Farrell stated that 90 days is going to go quickly and he hopes they will resolve within that time. Mr. Lovely stated that he believes Attorney Resnick is working for an easement/dedication to give that 17' strip to the Town.

Mr. Foley stated that he has had discussions with a proposed development at 46 Sconticut Neck Road and he informed them that the first hurdle is to apply for the demolition delay permit. He said the home on the property was built in 1900 according to the Assessors, but has heard it could be from the 1800's.

Mr. Foley stated he had a Zoom meeting last week with Mr. White, and the Fire Chief, Tim Francis and the new owner who purchased the Bijou in North Fairhaven. He said the new owner wants to clean it up and use the same apartments upstairs. He said he hasn't been in the building but they appear to be two-story tiny apartments. He said that they would be looking at access points, accessibility may be an issue. There is an issue whether they would have to come before the Planning Board. Mr. Foley stated there would be more information to come forth and he would keep the Board updated.

Mr. Farrell thanked Ms. Richard for her years of service on the Planning Board. He stated she's always been very professional, and he was going to miss her on the Board. She is still on the Sustainability Committee. He said he enjoyed her being a Planning Board member

and her view on projects in Town as well as voting with her moral compass. Many of the Board members congratulated Ms. Richard and wished her well.

Cathy Melanson made a motion to adjourn and was seconded by Ann Richard. The motion passed unanimously at 9:50 p.m.

Adjourned at 9:50pm.

Respectively submitted,

Patricia A. Pacella
Recording Secretary