

Fairhaven Planning Board
Minutes
Tuesday, May 26, 2020 – 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

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FAIRHAVEN,
MASS.

Ms. Richard opened the meeting at 6:45p.m via remote Zoom.

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

1. GENERAL BUSINESS:

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

b. Absent: Chair John Farrell

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 12, 2020 – Cathy Melanson made a motion to accept the minutes with corrections as had already been submitted to Mr. Foley and was seconded by Jay Malaspino. The motion passed unanimously, with Mr. Hayward abstaining, as he was not at the meeting.

d. Board Election for Economic Development Committee:

Tabled until the next meeting.

e. Planning Board Bills:

Mr. Foley stated there was a bill for GCG – for Mazda and Lewis Landing Reviews for a total of \$3,147.50. \$1,760.50 was for the third Mazda GCG Peer Review and \$1,387.00 was for the fourth Lewis Landing GCG Peer Review of the stormwater.

Cathy Melanson made a motion to approve paying GCG \$3,147.50 for the two Peer Reviews. The Motion was seconded by Geoff Haworth and passed unanimously.

Mr. Foley said there is a bill for ink for the printers in the office that is being split with the Conservation Commission. The Planning Board share of the bill is \$92.60.

Cathy Melanson made a motion to pay \$92.60 and was seconded by Jeffrey Lucas. The motion passed unanimously.

f. Correspondence:

None.

2. PUBLIC HEARINGS

- a) Public Hearings:

- i. **Flood Insurance Rate Maps (FIRM) Panel and Floodplain Language Update:** Public hearing to see if the Planning Board recommends to replace five (5) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) Panels dated July 7, 2009 with panels 25005C0391H, 25005C0392G, 25005C0394H, 25005C0411G, 25005C0413G dated July 8, 2020 and add required language from the model bylaw.

Mr. Foley read the advertisement for the Public Hearing.

Mr. Foley stated that FEMA was not able to extend deadlines and the Flood Insurance Rate Map (FIRM) panels have to be approved by July 8, 2020. The Town Administrator has sent a letter on behalf of the Select Board to the Chair of the House and Senate, and Mr. Foley sent a letter from the Planning Board and Department as well. Mr. Foley stated as of now there will be a June 27, 2020 virtual Town Meeting and this is something that needs to be approved at that meeting unless the Legislature passes a Bill that is working its way through the system that would temporarily allow the Select Board to approve the FIRM Panels and model bylaw language. Mr. Foley explained which panels are being updated with a map for members to view.

Ms. Richard asked if the senate votes to approve the bill then we do not have to approve it at town meeting. Mr. Foley confirmed that was the case and that the information and updates are available to the Public on the Fairhaven website.

Mr. Hayward noted that in the past the maps would come into the Building Commissioner and on a disk. He said there is usually a thirty-day window to dispute any mapping. Mr. Hayward said that it looked like there are different zones (AO & others) and that they are probably reviewing them 'after the fact' now. Mr. Foley confirmed that the appeal period for the actual re-mapping is over but the Town does have to accept these at a Town Meeting, or at Select Board if the legislation passes, otherwise we have to request rescission or we would be kicked out of the program.

Mr. Foley stated he had met with Conservation Agent, Whitney McClees and Building Commissioner Kris White in December with the Massachusetts FEMA FIRM representative and then received a letter in January saying the time was over to dispute.

Wayne Hayward made a motion to recommend to Town Meeting the map amendment and the bylaw language and was seconded by Cathy Melanson. The motion passed unanimously.

Mr. Foley stated he will send a letter to the Board of Selectman and Mark Rees to advise the Planning Board has held a Public Hearing and recommends the revised map amendments and bylaw language.

b) Upcoming Public Hearings: **To be rescheduled**

- i. **Text Amendment to allow Special Permits for up to 3 years:** Awaiting full Town Meeting date. Mr. Foley still having a discussion with Attorney Crotty.
- ii. **RZ 2020-01: Crow Island Rezone to MU:** Awaiting full Town Meeting date. No updates. They have not submitted additional information that was requested yet.
- iii. **SP 2019-15 – Mazda Dealership/Carapace LLC:** Tentatively June 2
- iv. **SP 2019-13 – Lewis Landing/Huttleston Multi-Unit Rentals:** Tentatively June 23

3. CURRENT PLANNING:

Discussion of Draft Municipal Vulnerability Preparedness (MVP) Plan

Mr. Foley explained that the MVP meeting was being prepared and organized by Ms. McClees. He reviewed a document with preliminary recommendations from the consultant. He said there was a kickoff meeting in December and a workshop in January. There were approximately thirty to forty people present and they went over different action items.

Mr. Foley reviewed the letter from Consultant, Darrin Punchard, dated April 14, 2020, the MVP Planning Grant - Task 2, preliminary recommendations. Ms. Richard shared concerns about the plans being too general and/or the "best practices" was the focus.

Mr. Hayward thought that more training should be done with all Boards in Town, not just the Planning Board, and especially Conservation Members and also the Board of Health wasn't included in the recommendation for periodic training on municipal vulnerability.

Mr. Fleurent asked about the clear cutting and the bylaw that already exists, that perhaps the suggestion should be to clarify the bylaw in regards to clear cutting.

Mr. Hayward referred to Page 5 of the document re: stormwater, bullet #5. He wanted it clarified as the recommendation stated "that minimum standard stormwater management standards and design criteria shall be determined by the applicants". Mr. Hayward stated that it sounds like we are allowing the applicant to choose the standard. The standard should be uniform, everyone should meet the same standard, not what the standard they want to use.

Ms. Richard asked if the consultant could be invited in to come and discuss the recommendations with the Planning Board. Mr. Hayward said he had less comments and more questions. Mr. Foley will send an email to Ms. McClees tonight and invite the consultant to come and discuss with the Planning Board.

He said the future meetings are scheduled for next week, June 2nd and also June 23, 2020. However, he noted the deadline for the Grant is mid-June.

4. LONG RANGE PLANNING:

a. Town Planner Update:

Mr. Foley received an application for an ANR on Green Street that is not quite complete. When he receives the mylar he will present to the Board and then bring it to everyone to sign.

Mr. Foley also advised he received a call from the Engineer of a proposed 8-lot subdivision on Sconticut Neck Road near the Wood School. He believes they will have to go through the Demolition Delay process first.

Mr. Foley reported a special Cares Act fund through the CDBG program is due in a week or 2. He has contacted SRPEDD to let them know we are interested and put in a piece in the Fairhaven Neighborhood News to gauge how many, if any, businesses would be eligible for the microenterprise element. The "Micro Enterprises" assistance is for small businesses of 5 employees or less and who are Low to Middle Income (LMI). There is also up to \$4,000 in rental assistance available but that is not done through the

Town. People have to apply individually through the RATH program or contact the Fairhaven Housing Authority.

There is a Public social service(s) grant as well, again for low-medium income. Mr. Foley suggested perhaps additional outreach workers for the Board of Health, but he was told they might not qualify. He is going to give the information to the Council on Aging to see if perhaps Meals on Wheels or other vendors are eligible. He said these are all a work in progress, as he is trying to determine what they could be eligible for as a Town or separate entities.

Mr. Foley stated he has had an Inquiry from the gas station at 277 Bridge Street for a sign off for their Certificate of Occupancy. However, they have not complied with the Special Permit condition to provide the Town with a 17' dedication. He said that he has had discussions with them, and they either have to get it done or modify their plans which entails going in front of the Planning Board for a modification with a clear and reasonable request. He said he is in discussions with them at this time.

Mr. Hayward suggested receiving a cash bond if they want to settle it that way.

Mr. Foley is still working on putting out a RFQ for the Complete Streets Policy with Mr. Furtado. Mr. Foley has received some information from the Chief of Police that will be good possible projects to look at when they get to the Prioritization Plan. Once the Tier 2 Prioritization Plan is approved by MassDOT the Town will become eligible for up to \$400,000 a year in funding for the projects identified in the plan.

Mr. Foley stated he has been invited to the Select Board meeting to update what he's been working on during the State of Emergency. Mr. Foley said he is still working on improving the in-house GIS and also on the North Fairhaven truck issue.

Mr. Hayward asked if all the information for the Mazda hearing will be available for next week's meeting. Mr. Foley stated he will get hardcopies out by Friday to members, including plans, etc..

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

Mr. Haworth asked if the next meeting would still be virtual, next week on June 2, 2020. Ms. Richard said it will still be via the Zoom Remote avenue, until they hear something different from the Town.

Cathy Melanson made a motion to adjourn and was seconded by Jeff Lucas. The motion passed unanimously at 8:07p.m.

Respectively submitted,

Patricia A. Pacella
Recording Secretary