



# FAIRHAVEN PLANNING BOARD

Town Hall • 40 Center Street • Fairhaven, MA 02719  
Telephone (508) 979-4082 • FAX (508) 979-4087

Fairhaven Planning Board  
*Minutes*  
Tuesday, August 25, 2020 – 6:30pm  
Town Hall, 40 Center Street,  
Fairhaven MA 02719

2020 SEP 15 P 1:37  
RECEIVED  
TOWN CLERK  
FAIRHAVEN,  
MASS.

## 1. GENERAL BUSINESS:

a) Vice chair's Welcome and Media Notification. Mr. Hayward opened the meeting at 6:37p.m. Advised the meeting is being done remotely.

### b) Quorum/Attendance:

**Present:** Vice Chairperson, Wayne Hayward; Jeffrey Lucas, Cathy Melanson, Rene Fleurent, and Jay Malaspino

**Absent:** John Farrell, Jay Simmons and Mr. Geoff Haworth

Mr. Foley, Town Planner was also in attendance.

c) **Minutes:** August 11, 2020 – Cathy Melanson made a motion to accept the minutes of August 11, 2020 and was seconded by Rene Fleurent. Jeffrey Lucas had a discrepancy on line #150 that it should be "developable under use". The motion passed unanimously.

d) **Planning Board Bills:** Mr. Foley advised on bill from Southcoast Media for advertising Bask in the Standard-Times for \$833.24. Jeffrey Lucas made a motion to pay Southcoast Media in the amount of \$833.24 and seconded by Cathy Melanson. The motion passed unanimously.

### e) Correspondence

Bridge Street Gas Station Proposed Easement – Mr. Foley reviewed the correspondence regarding the proposal to create an easement to meet the Special Permit condition requiring a "dedication" from Bridge Street Gas. The applicant is concerned the 'dedication' would leave them without frontage so they have offered an easement of 17' along Bridge Street. They discussed with Mr. Carigg and his attorney that this is to fulfill the intent of the condition.

Mr. Foley advised that the second temporary occupancy can be issued until this can be figured out. Mr. Foley wants to discuss further with the Town Attorney. Mr. Foley stated they have added on to the fence and will have to go a little further to conform to the approved plan and add some plantings as well. Mr. Foley also went over other concerns per his staff report for the easements reserved by Grantor, he said there are a few points he would like to clarify. He will speak to the interim building commissioner to grant the second temporary occupancy permit.

Attorney Jeff Lovely and Alex Carigg were present via remote call.

Mr. Hayward said he read the easement and agreed with the details. He had a question about what other cost would the grantee need to pay for (top of page 3), that would be at no cost to the grantor.

Mr. Lovely said the concept of dedication is no longer used. They are cooperating by signing documents that the Town or State would sign if necessary and the easement is intended as a placeholder to protect the Town. They are offering to cooperate in the future to widen the street or whatever may be necessary. Mr. Lovely stated they would be okay with doing all the recordings of the easement.

Alex Carrig said the current temporary occupancy expires on September 3, 2020. Mr. Foley will speak to the interim building commissioner to issue a second temporary occupancy permit.

Mr. Foley thought fence was shy at least 10'. Mr. Carigg agreed to the extension. Mr. Foley wants to do one more review of the property. Mr. Hayward said he wanted things buttoned up for the September 9, 2020 meeting.

Mr. Lovely stated there was a sketch plan of land, exhibit B to record with the easement.

## **2. PUBLIC HEARINGS:**

a) Public Hearing, continued from February 2020

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

Mr. Hayward opened the meeting.

Mr. Rich Rheame was present for the applicant. He stated he wanted to open the public hearing and then continue it to September 9, 2020.

Cathy Melanson made a motion to continue Lewis Landing Public Hearing, SP2019-13 until September 9, 2020 per the applicant's request and was seconded by Jeffrey Lucas.

Resident and abutter, Mr. Beckemeier wanted to say thank you for sending the information out.

Per the motion, and roll call vote of members the vote was unanimous (voted 5-0).

Cathy Melanson stated she had to leave the meeting. Mr. Hayward said per Robert's Rules of Order the Board would not be able to continue without a quorum. Ms. Melanson stayed on.

## **3. CURRENT PLANNING:**

a) Review of Potential Zoning Bylaw Amendments for the 2020 Special Fall Town Meeting in October (Short Term Rentals, Cluster Bylaw)

Mr. Foley went over the short-term rentals language he reviewed. He stated a B&B could be in all districts. He stated a non-family accommodation is not allowed in a RA or RR district. He said they need to figure out whether a short-term rental is a non-family accommodation or a Bed and Breakfast. If it is a non-family accommodation, most are not allowed.

He spoke about the new statewide public registry listing short-term rentals (STR).



There are approximately 57 STR's that are currently registered in Fairhaven. Mr. Foley suggested we could address short-term rentals through enforcing existing bylaws in which case we need to decide if they are B&B's or Non-family accommodations. If they are B&B's they have to go through ZBA for a permit. Otherwise, we need to create a new general bylaw to determine what zone they may be allowed in and how many days per year and how many STR units by a single entity may operate, etc.

Mr. Lucas said one thing we do not want is people to buy houses just to rent. He believes it should be limited to owner-occupied residents. Mr. Lucas said he could not see how we can let people buy up houses just to rent on a short-term basis. That could ruin neighborhoods and we will have a tough time enforcing.

Mr. Hayward said he thinks it should be a general bylaw. He believes that current operators could be interpreted as grandfathered if a zoning bylaw is passed. If there was a complaint, zoning is a slow animal, it requires a written complaint to the zoning officer and he has fourteen days to comply. A general bylaw has a lot of authority. The owner operator has to be on site within an hour. Our protection for the town is going through the general bylaw route. Mr. Hayward stated there are a lot of people involved on both sides of the issue – real estate brokers, attorneys, etc., he thinks we should tread carefully.

Mr. Lucas asked if there is a mechanism that we can alert those doing it that they know it is illegal so they are not grandfathered in the future. Mr. Hayward said the only option currently is to serve them with a cease and desist order. Mr. Foley does not think they would be 'grandfathered'.

Mr. Hayward doesn't think we need to rush into something for October meeting and asked committee members to review the Town of Barnstable bylaws for more information. Rene Fleurent said he does not see it as something he wants in the Town of Fairhaven. He is adamantly opposed.

Mr. Hayward would like to keep this on the agenda to continue further discussion. He does not think it is a Bed and Breakfast or non-family accommodation, as it is something all on its own and he feels there are many communities not addressing it.

Mr. Foley stated he thinks the Planning Board should continue to discuss and put the word out that the Board is reviewing a bylaw to regulate short-term rentals.

b) **Street Acceptances:** Request by Town Counsel to sign plans previously approved by Town Meeting to accept Robert Street and Reynolds Drive

Mr. Foley reviewed the Street Acceptances that the assistant to town Counsel dropped off and asked for the Planning Board to review and sign. He noted that one was approved at the November 2018 Special Town Meeting and one at the November 2019 Special Town Meeting

Mr. Hayward explained the street acceptance flow chart created by himself and previous Town Planner is on the Board of Selectmen webpage. All street acceptances are accepted by the Selectman's office not the Planning Board. We have already held meetings for both these acceptances. Mr. Hayward advised Mr. Foley to research it further. Hayward said that the streets have both been paved. Foley said they are going back on the town warrant, Hayward said the selectman have to hold a public hearing.

**Town planner update:**

The Planning Department and Harbormaster were awarded a Grant for \$50,000 to do a feasibility study for Union Wharf to look to see if there are any other uses or innovations we can implement down there to increase capacity and usefulness.

Mr. Foley stated there is a landscaper coming in who has a one-year lease near the property of West Marine where the Fairhaven Motel was who wants a landscaping business there. They would be coming in for a Special Permit as a "Contractor's Yard".

Mr. Foley is talking to a group of people who want to purchase the roller rink to do an adult daycare with a new hybrid model for appointments and daycare. It would be Monday through Friday, 8-5 with no overnight stays.

Cathy Melanson made a motion to adjourn and was seconded by Jeffrey Lucas. Motion passed unanimously at 8:00p.m.

Respectively submitted,

Patricia A. Pacella  
Recording Secretary