



FAIRHAVEN PLANNING BOARD

Town Hall • 40 Center Street • Fairhaven, MA 02719
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2020 OCT 16 P 2:56

Fairhaven Planning Board

Minutes

Tuesday, September 22, 2020 – 6:30pm

Town Hall, 40 Center Street,
Fairhaven MA 02719

FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification** – Mr. Farrell opened the meeting at 6:34p.m. and advised the meeting was being recorded and live on Fairhaven TV.

b) **Quorum/Attendance: Present:** Chairperson, John Farrell, Vice Chairperson, Wayne Hayward, Jeffrey Lucas, Cathy Melanson, Geoff Haworth, Rene Fleurent, Jr. and Jay Malaspino

Absent:

Jay Simmons has resigned his seat.

Mr. Foley, Town Planner was also in attendance.

c) **Minutes:** September 9, 2020 – Cathy Melanson made a motion to accept the minutes of September 9, 2020 and was seconded by Mr. Fleurent. The motion passed unanimously via roll call vote with one abstain (Geoff Haworth, as he was not present) 6-1.

Mr. Haworth stated he was not sure he could vote on the Lewis Landing Project, as he was not at the last meeting. Mr. Farrell stated they did not take testimony at the previous meeting and the project was continued.

d) **Planning Board Bills** - \$995.00 – GCG Associates. Mr. Foley advised the fees were broken down with \$280.00 for the Lewis Landing Project and \$715.00 from Mazda project.

Jeffrey Lucas made a motion to approve and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote 7-0.

e) **Correspondence**

Jay Simmons resignation from Planning Board – Vacancy on Planning Board.

Mr. Farrell stated that Mr. Simmons had resigned his seat on the Planning Board and thanked him for his many years of service on all of the committees that he was a part of.

Wayne Hayward made a motion to declare an open vacant seat on the Planning Board that of Jay Simmons seat. The motion was seconded by Rene Fleurent. Mr. Hayward thanked Mr. Simmons for his short time on the Planning Board but his long-time commitment to the Conservation Commission.

Mr. Foley advised that the vacancy on the Planning Board would be an agenda item on the Selectboard to move forward. Mr. Hayward asked them to put an advertisement in the local newspaper, Fairhaven Neighborhood News, as the Selectboard is currently advertising for quite a few positions. The motion to declare the open seat vacant was anonymously voted in favor by Planning Board members via roll call vote.

Mr. Farrell made a motion to put an advertisement in the Fairhaven Neighborhood News with a deadline to receive letters of interest by October 9, 2020 and then to schedule a joint meeting with the Selectboard on October 19, 2020 and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 7-0.

Mr. Farrell stated he will submit a letter to the Selectboard to get on the October 19, 2020 agenda with the Selectboard to fill the vacant seat.

2. PUBLIC HEARINGS:

a) Public Hearings: Continued from September 9, 2020

i. **SP2019-13-Lewis Landing/Huttleston** – Continued Proposal to create twelve (12) 2-bedroom rentals in four 2.5 acre on Huttleston Ave (Map 31, Lot 117C)

Mr. Farrell read the public hearing and stated they have asked for a continuance.

Mr. Foley said they have not completed the condominium documents as of yet. He said those documents need to go to Attorney Tom Crotty first for his review and then reviewed by the Planning Board members. He stated they were up to date with the monies that were owed, but he suggested they put a bit more money in the 89 Account to pay Attorney Crotty for the review as well.

Cathy Melanson made a motion to continue SP2019-13-Lewis Landing/Huttleston to October 13, 2020 at the applicant's request and was seconded by Rene Fleurent, Jr. The motion passed unanimously via roll call vote, 7-0.

3. CURRENT PLANNING

a) **Receipt of Plans:**

i. **SP2020-01 – 46 Sconticut Neck Road (Alves) Preliminary Subdivision:** Receipt of a Preliminary Subdivision Plan to demolish a house and create an 8-lot subdivision located at 46 Sconticut Neck Road. Discussion of plan scheduled for October 13, 2020 Planning Board Meeting.

Mr. Foley reviewed the plans briefly. He advised the location of the subdivision was just north of the Wood School and South of the Bike Path on Sconticut Neck Road. He said they are also donating twenty plus acres of wetlands to the Conservation Commission. Mr. Foley stated they have submitted very elaborate plans that will be presented at the public hearing on October 13, 2020 and the Applicant agent will be available for questions and discussion.

ii. RZ 2020-01 – G.Bourne Knowles Rezone from RC to B:

Mr. Foley stated this was request from G. Bourne Knowles to rezone from RC currently to Business. He said the public hearing will be on October 13, 2020. He says he knows the property had been greenhouses for many years and was previously rezoned to RC-Multi Family apartments. They did get an approval for 52 units and then the economy tanked, and the windmills came to be. He said they would like to come back to rezone as commercial and received over one hundred signatures to put it on a warrant at Town Meeting for the zoning change.

Mr. Lucas asked what the status of Peirce Lane is, is that a town recognized street.

Mr. Hayward stated the aerial plan is showing Peirce's Lane is half-way recognized as a street. He thought perhaps it was an easement on their property the rest of the way.

Mr. Hayward brought to the attention of Mr. Foley that the plans presented state "proposed mixed use" and that needs to be removed if they are in fact asking for a "business" zone. Mr. Hayward also stated there is a recorded covenant on the property and that should be clarified by Attorney Crotty.

iii. SP2020 – New Dream Contractors Yard in Business District: Receipt of incomplete plan to locate a parking area for tree service at former motel site at 114 Huttleston Avenue in Business District.

Mr. Foley stated he received incomplete plans but had not stamped them in as of yet because they do not include a lot of relevant information. He said that he and former building inspector, Mr. White first met with this applicant back in June/July. The applicant thought they were a meeting/conference center but after they discussed the ideas for the property, the closest thing they could come up with in the 'use schedule' was a contractor's yard. He said it as a place they want to meet their staff in the morning and park trucks and equipment. They do not have a service to sell here or a building.

He said Schneider, Davignon Associates had previously delineated the wetland line on the property and put some elements of the applicants concept on a revised plan however the plans that were submitted are not up the standard that the Planning Board requires. Mr. Foley asked for more detailed plans, as required in Section 198 of the Fairhaven code, but the Applicant disputes the need to do so. Mr. Foley delivered the full hardcopy packets he received to members. Most of the documents were not submitted electronically so much of what the Board members received in their packet could not be put on the screen. Mr. Foley stated they did write up a proposed sign plan. He said they appear to have a one-year lease on this property. They want to clean it up and keep most of the trees.

Looking at the temporary fencing they are proposing, Mr. Lucas said he wasn't sure a 6' high privacy fence wouldn't blow over with just five-gallon cement buckets holding it up. He said he did not understand what they wanted to do with the property. He questioned whether there would be parking of trucks, bobcats, and other vehicles. "I don't get it", Mr. Lucas said. He doesn't feel the plans are flushed out enough at this point.

Mr. Hayward stated it clearly appeared as a contractor's yard and he doesn't feel this location is appropriate for a contractor's yard. Mr. Hayward stated it sounds like a first-time business and that the Industrial zone would be more appropriate for this type of business. He said he was confused when reviewing the plans. Mr. Hayward stated there was going to be no office at the location and he was not sure what they would be selling. He said it was a 'bizarre location for a contractor's yard.'

Mr. Forrest Neal, owner of New Dream Tree Service was on the call via the Zoom platform. He explained the project as a model landscape as the primary purpose at this location. He said they would have native plants and they are an organic company with 5-7 employees. He was hoping to have some raised garden beds in the middle. He thought the location would be good because it is a bus stop and they were trying to do a service to the community. He said they would not be storing vehicles at this location, perhaps they would like that option at some point. He said he realizes it may seem odd, but he wants it to build landscapes. The firewood on the premises is strictly decorative. He says their business model is pretty clear, trees and landscape and property maintenance. They do not sell goods at this time. He said he has looked at a lot of properties and that he thinks this one would be an ideal spot for them. Mr. Neal said they could do a walk-through with employees to show different mulching techniques and landscaping things. It is meant to be a learning opportunity for our business and the community.

Mr. Farrell stated there may be a lack of details to fully understand the project. He said he understands you have spoken with Mr. Foley and the former building inspector, Mr. Kristian White. He said they would like to better understand it and the way we do that is with solid plans, engineered plans. Mr. Farrell said there was no specific direction for the future of these plans.

Mr. Hayward said if now he is saying he does not want to park the trucks and meet his employees here and just wants to landscape the property he probably does not need a special permit. Mr. Hayward asked why he wouldn't just be able to lease the property and plant all he wants.

Mr. Foley stated the original trigger or intent was the parking of the trucks at the location. The plans and the narrative say they want to park their trucks here overnight and meet their employees here. He said parking and a contractor's yard would have to go in front of the Planning Board for a Special Permit.

Mr. Hayward said he respects Mr. Neal's vision, but he is confused what is going to be there. He has nothing against communal gardens, he just believes without a solid plan this will grow and grow into the future.

Mr. Farrell advised Mr. Neil that they did not want to file with inadequate plans and then get denied for a special permit because then they wouldn't be able to do anything for two years. Mr. Farrell suggested that Mr. Neal forward any further questions to Mr. Foley to be answered in writing.

b) Gas Station Easement Update had already been discussed.

Mr. Foley stated he did hear from the owner of the Gas station today and the remaining language that was in question has been rectified. The owner has agreed to remove the language that Mr. Crotty objected to. Mr. Foley said the temporary certificate of occupancy runs out on Friday the 25th of September, and they should be ready to sign a certificate of occupancy permanently. Mr. Foley stated he would go out and do a site plan review one last time to okay the permanent certificate of occupancy.

c) Town Planner Update

Mr. Foley met with the Hampton Inn hotel today to talk about possibilities if they the hotel becomes less viable. They sedan between the New Bedford Hotel, the Wareham Hotel, Short Term Rentals like AirBnB and now Covid they are having a hard time staying afloat. They discussed maybe an assisted living facility or multi-family apartments. Mr. Foley advised they are in the midst of a redevelopment study and that the owner should get involved with that study. The Hampton Inn owners are also going to do a feasibility study. Mr. Foley said he will put him in touch with Kris Sheedy of the Housing Authority.

Mr. Foley stated he met with a potential developer today and they did a walk through at Rogers School. Ms. Loo and Mr. Brady also joined them as well as Mr. Silvia. The developer is experienced with affordable tax credits and seemed pretty realistic. He also saw the Atlas Tack Property as well.

4. LONG RANGE PLANNING:

a) Town Planner Update

b) Other Business:

Mr. Hayward brought to the attention of Mr. Foley that there were some forms missing from the Planning Board website. Mr. Foley did not realize and stated he will review the website and reinstate the missing forms.

Cathy Melanson made a motion to adjourn and was seconded by Jeffrey Lucas. The motion passed unanimously (with one in opposition, Wayne Hayward) via roll call vote at 7:42p.m.

Respectively submitted,

Patricia A. Pacella
Recording Secretary