

Fairhaven Planning Board
Minutes
Tuesday, December 17, 2019 – 6:30p.m.
Banquet Room, Town Hall, 40 Center Street
Fairhaven, Massachusetts

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FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

a) Chair's Welcome and Media Notification – Chairperson, John Farrell opened the meeting at 6:36p.m. and notified the public that the meeting was being taped and send out live on Facebook.

b) Quorum/Attendance:

Present: Mr. Farrell, Ann Richard, Cathy Melanson, Wayne Hayward, John Malaspino, Rene Fleurent (arrived at 6:42pm) and Jeffrey Lucas.

Absent: Geoff Haworth

Mr. Foley, Director of Planning was also in attendance.

c) Decorum and Etiquette:

Ann Richard made a motion to table to the end of the meeting, and was seconded by Jeff Lucas. The motion passed unanimously.

d) Select Board Questionnaire

Mr. Farrell stated that the Selectboard sent it to all Committee's and Boards. Mr. Foley stated they could collectively answer the questions.

Wayne Hayward made a motion to table to the end of the meeting and was seconded by Ann Richard. The motion passed unanimously.

e) Minutes:

November 5, 2019:

Jeff Lucas made a motion to approve the November 5, 2019 minutes and was seconded by Ann Richard. On the question, Mr. Lucas pointed out that the minutes were complete, just out of order. The motion passed unanimously.

December 10, 2019, Minutes: Mr. Foley reported he hadn't had time to review as of yet, he would have at their next meeting.

f) Planning Board Bills:

1. Pitney Bows for Postage – 2 different mailings - \$401.20 Ann Richard made a motion to pay Pitney Bows, \$401.20 for two different mailings and was seconded by Jeffrey Lucas. The motion passed unanimously.

g) Planning Board Budget FY21:

Ann Richard made a motion to table to the end of the meeting and was seconded by Rene Fleurent. The motion passed unanimously.

h) Correspondence: None

2. PUBLIC HEARINGS:

- a) Public Hearings: None

3. CURRENT PLANNING:

- a) Receipt of Plans:
- b) Review of Plans:
- c) Decision and Written Decisions:

- i. **SP19-09: Benny's Renovation**. Deliberation and Decision on Special Permit to remove the front portico to create 18 additional parking spaces and divide the space into several commercial tenant units. Public Hearing closed October 16, 2019.

Mr. Farrell asked if the appropriate members were present to re-vote on the project. Mr. Foley stated that Ms. Melanson, Mr. Farrell, Mr. Haworth and Mr. Fleurent have all filed a Mullin Rule, which enables them all to vote.

Ann Richard made a motion to approve SP 19-09 and was seconded by Jeff Lucas.

On the question, Wayne Hayward referred to plans from October 2, 2019, line 80, "existing pylon sign will be new"; Mr. Hayward requested to add the word "compliant".

Mr. Hayward also referred to line 154 – parking spaces and on any further revised plans. Mr. Hayward wanted to make sure in the future it was clear to the enforcement officer.

Mr. Hayward also referenced Line 56, "dumpster enclosure" and stated it should read "All dumpster enclosures."

Ms. Richard made a motion to approve with the amendments by Mr. Hayward and was seconded by Jeff Lucas. The motion passed unanimously.

- ii. **SP2019-08 Haskell Solar Farm**. Deliberation and Decision on Special Permit to install an approximately 11-acre ground mounted solar photovoltaic energy facility (SPEF) on an approximately 49-acre farm. Public hearing closed October 16, 2019.

Mr. Farrell explained this was the same situation as above where there were members absent. Mr. Foley stated that all were eligible to vote, and that appropriate Mullin Rule forms were filed.

Mr. Hayward offered an amendment under findings, to add another bullet, "As prohibited in 198-29.g(8), the Planning Board through historical, digital imagery of the site finds no evidence of clear cutting of trees and natural vegetation within the five years prior to the date of application."

Mr. Hayward referred to line item 179 as the Special Permit should be void after 2 years, perhaps should be three years.

Applicant representing this project, Mr. Carey was present and stated he would ask for the three year period.

Mr. Farrell sees no objection with the amendments.

Ms. Richard asked should we think about changing that by-law so we don't have to do this on each.

Mr. Hayward said it should just be under findings as a new bullet.

Mr. Lucas referred to line 166 – "blasting of rock", and questioned if it should be written to be approved by the Fire Department or appropriate Board/Department.

Mr. Carey stated hasn't done blasting work in the past, and he didn't think he would on this project.

Mr. Farrell requested that it be written as 'appropriate town department'.

Mr. Foley stated that an audience member pointed out that because the Fairhaven Bylaw specifically says Special Permits are allowed up to two years, they cannot approve these applications up to the three years.

Mr. Hayward didn't agree. He stated that the Planning Board has that jurisdiction.

Mr. Hayward removed his amendment to keep at two years versus the three years.

Mr. Foley noted a change in the address of the applicant to "Fairhaven 4, LLC."

Mr. Hayward made a motion to approve the Special Permit with the three amendments, conditions and approved waivers, and was seconded by Cathy Melanson. The motion passed unanimously.

- iii. **SP2019-12: Nye's Repaving:** Deliberation and Decision on Special Permit to modify an existing Special Permit, issued in 1992, to re-pave the parking lot in front of Building 1 located at 10-12 Howland Road.

Mr. Farrell asked Mr. Foley if everyone present was able to vote.

Mr. Foley stated that Mr. Hayward and Mr. Haworth were ineligible to vote.

It was noted the Board needs six votes to approve a Special Permit and six eligible members were present.

Mr. Foley stated he changed a few of the standard conditions to conform to this proposal.

Mr. Hayward asked if on the existing parking, they would be parking within the new striping.

Mr. Foley said, "No." He said they were showing striping on the plans, to show that they can accommodate the required number of parking spots, but they do not need it so they do not plan to stripe it.

Ms. Richard made a motion to approve SP2019-12, and was seconded by Cathy Melanson. The motion passed unanimously with one abstention from Mr. Hayward.

- iv. **SP2019-11: Off the Hook**: The Planning Board will hold a continued Public Hearing to review a proposal to modify an existing Special Permit issued in 2005 at the marina and restaurant located at 56 Goulart Memorial Drive on Long Island (Map 42, Lot 23B)

Mr. Foley stated all but Mr. Hayward and Mr. Haworth could vote. He said that Mr. Fleurent has filed the appropriate Mullin Rule.

Mr. Farrell stated the Board needs six positive votes.

In reviewing the document, Mr. Farrell referenced line item #8 regarding the dumpster enclosure, and stated this didn't apply to the pavilion that was before them and needed to be stricken. In addition, Mr. Farrell stated line #7 regarding Storm water, also should be stricken.

Mr. Farrell asked if they are applying to the Conservation Commission or have any outstanding permits. The applicant was present and stated that permits have been pulled and they run out at end of year for Conservation.

All site approvals shall be according to plans and site plans. Mr. Farrell stated they were reviewing the conditions as Mr. Foley edited.

Ms. Richard referenced line item - #5 that can be deleted.

Mr. Lucas suggested if new lighting goes in they should be in a downward position. Applicant has no objection.

Mr. Lucas stated he was very happy with the plans.

Mr. Foley added condition #3, that any future work needs to be approved by the appropriate department.

Cathy Melanson made a motion to approve SP2019-11: Off the Hook with the nine conditions and proposed amendments and was seconded by Ms. Richard. The motion passed unanimously with Mr. Hayward abstaining.

g) Planning Board Budget FY21:

Mr. Farrell went back to the discussion of the proposed FY 21 Planning Board Budget. Mr. Foley explained it was level funded, and exactly the same as last year.

Mr. Farrell if Mr. Foley would be asking for any additional hours for staffing in the Planning Department. Mr. Foley stated he would be asking for another part-time administrative assistant.

Ms. Richard asked why he would not just ask for a full-time assistant versus having two part-time assistants. Mr. Foley stated that Ms. Ripley, the current Administrative Assistant has been in the Department for many years and helps him out quite a bit. He stated she was very knowledgeable and he would like someone new be able to be trained by her, until she decided to retire. He said there is a lot to process in the Planning Department and he would want Ms. Ripley around to help train a new individual before they went to an immediate full-time status.

Mr. Foley also stated that in the past the Planning Director had asked for a full-time person and it was not granted so he did not want to ask for more than he thought would be reasonably attainable. He said that Ms. McClees, the Conservation Agent has asked for a full-time person, so he was not sure if there might be any negotiations and an option to share that person if it were felt money was not available.

Ms. Richard stated that she was afraid of limiting what they were asking for. She said she feels that both department heads are in need of an assistant and would hope that the Town Administrator, Finance Committee or Selectboard making that decision would review the requests independently from each other.

Mr. Farrell stated he was concerned about 'sharing' a person.

A discussion of how many hours the current administrative assistant does and which days of the week that she is present. Mr. Foley reiterated that Ms. Ripley has been especially helpful to him but that it would be good to have someone at the front desk on days when she is not available.

Mr. Hayward said if it came down to a choice, the Planning Department has been asking for years for some assistance. He said it is certainly warranted.

Mr. Foley stated that a CDBG assistant will be needed soon as well.

Mr. Farrell asked that their survey reflect that the Planning Board and Director need more assistance in the office. Mr. Farrell praised Mr. Foley's hard work and efforts to the Department, however stated that he is taking a lot on his own and shouldn't have to do so much of the clerical work.

Mr. Foley said it would be nice to get extra help so not so much of his job would be clerical.

Discussion on need continued.

Ms. Richard stated that she would be more than happy to attend any meetings with Mr. Foley to discuss the needs the department in reference to the administrative assistant.

Mr. Foley stated he had met briefly with the budget team and will schedule next meeting soon. He said he is learning the Vadar, accounting software to enter his budget items.

Mr. Hayward stated that in the past, the Chairperson of the Planning Board had gone to past budget meetings. Mr. Foley will keep the board aware of upcoming budget meetings.

Mr. Foley reported that regarding, CDBG they may be moving the infrastructure down to DPW as at this point it is mostly an infrastructure project.

Ann Richard made a motion to approve FY21 Planning Board budget and was seconded by Jeffrey Lucas. The motion passed unanimously.

Ms. Richard asked if the Annual Town Report would be sent along with the budget. Mr. Foley will need to write something up.

Mr. Farrell continued with the table items: Decorum and Etiquette. Mr. Farrell stated that the Board needs to show fellow members respect through their meetings. He said that if there is an argument or disagreement, people would be allowed to get the point across only through the Chairperson and it should be done with respect. He said that going forward he won't tolerate someone being disrespectful.

Mr. Farrell said he has sometimes been guilty of allowing members to go on and not go through him, as the Chairperson. He said if someone is having a problem with self control there should be no piling on or fueling the fire. We need to maintain decorum and be able to bring civil discourse back. He said moving forward he hopes to get back to the basics, slow things down, be respectful of the conversation at hand. He expected the utmost professionalism from everyone at the table, as respected elected officials.

4. Town Planner Update

Mr. Foley reported attending a meeting at UMASS where they discussed a number of maritime grants that might be available. He will continue to try and find time to research them.

Mr. Foley discussed the timeline for Town Meeting Articles and asked if anyone had articles they wanted to put forth for different zoning articles for Town Meeting. He would like to do something related to short-term rentals and a cluster by-law, and perhaps the truck exclusion for North Main Street we talked about at an earlier meeting. He reported that Ms. Richard did a little research and the first step would be traffic counts in that area, so he will reach out to SRPEDD to handle that.

Mr. Foley stated he did go to the Route 6 SPREDD meeting, although informational he felt the plan presenters from SRPEDD were leaning towards turning four lanes into two for long stretches which he did not think would work nor have any public support. There might be specific places where they can make some changes. They also talked about options at several of the intersections with some geometry issues. He will attend the second presentation in Marion on January 6. He had suggested to them that they should televise the presentation locally and consider presenting to the Planning Board and/or Select Board.

Discussion ensued on when the warrant place holders were due for Town Meeting. Per the Fairhaven Town website, it read January 17, 2020. Mr. Foley will confirm that date and get the information out to members. Mr. Hayward expressed dismay that the cutoff date was far too soon and would be difficult to formulate warrants to change any by-laws in time. Mr. Foley said that January 17 would be a placeholder and there would still be time to formulate amendments. Discussion ensued.

Mr. Farrell wanted to add making the review of wireless cell equipment an administrative review rather than Special Permit review.

Mr. Foley stated he did a presentation to the Board of Selectmen regarding the dog park and going forward there has to be a public hearing with DPW. Mr. Foley explained the two locations that could be potential, North Street and possibly Rogers School. Resident, Sally Johnson had stated the North Street Park could be restricted because the man that donated it specifically left it to the schoolchildren of Fairhaven. She asked if even if it were legal would it be ethical.

Mr. Hayward suggested speaking to neighboring Towns, Acushnet and Mattapoisett.

d) Selectboard questionnaire

The Planning Board reviewed questions and discussed.

Most members said 'no' to #1 on whether the Planning Department got enough support. Mr. Hayward said when he was the acting Director in the spring he tried to do something with GIS and was told that the IT Department was supposed to take it over. To his knowledge, nothing has been done yet. He said there was a definite need for GIS software & support.

Ms. Richard said she didn't feel there was support from the Town Selectboard, especially where the need for more administrative assistant hours exists in the Planning Department.

- b) The Second question was whether the PB gets adequate information about the Open Meeting Law, conflict of interest and procurement.

Mr. Fleurent stated at this time he did not feel there was adequate training. He said the Town used to offer annual training and not sure why it was stopped. Ms. Richard said they did get some information but that better follow up and more communication is needed.

- c) Question whether the Board has a work plan. Most members said yes noting they discuss their goals at the beginning of the year and Select Boards goals are presented to them. Furthermore, their goals are in the Master Plan that was approved recently.
- d) Yes to the question of whether the PB collaborates with other committees. All Committees were invited to attend and be a part of the Master Plan experience. The PB recently worked with the Historic Commission to pass the Demolition Delay bylaw. They also noted that there is a representative of the PB on the Economic Development Commission.
- e) Yes, there are several state wide or regional organizations that provide training including CPTC, SRPEDD and the Historic Preservation Alliance.
- f) Yes. The Select Board and Town Administrator could be more helpful if they allowed more time and extended the deadlines for town articles to be submitted. There seem to be no deadline for BOS initiatives to get on the warrant. The Planning Board also noted that the BoS and TA are looking at projects without consulting the Planning Board for input as required in Chapter 65.

Mr. Hayward referred to Ch. 65 in the Fairhaven Code that states that projects on public buildings and transfers of public property and land should be referred to the Planning Board for their input and recommendations.

- e) Aware of any federal or state grant programs? Mr. Foley will weigh in on this question.

Cathy Melanson made a motion to adjourn which was seconded by Wayne Hayward. The motion passed unanimously.

8:25pm adjourned.
Respectively submitted,

Patricia A. Pacella
Recording Secretary