

Fairhaven Planning Board

Minutes

Tuesday, February 11, 2020 – 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

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FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

a) Chair's Welcome and Media Notification – Vice Chairperson, Ann Richard opened the meeting at 6:30p.m. and notified the public that the meeting was being taped and send out live on Facebook.

b) Quorum/Attendance:

Present: Ann Richard, Wayne Hayward, John Malaspino, Cathy Melanson, Rene Fleurent and Jeffrey Lucas.

Absent: John Farrell and Geoff Haworth

c) Minutes:

January 14, 2020 – Rene Fleurent made a motion to accept the January 14, 2020 minutes and was seconded by Cathy Melanson. The motion passed unanimously.

January 28, 2020 – Jeffrey Lucas made a motion to approve the January 28, 2020 minutes and was seconded by John Malaspino. Cathy Melanson abstained. The motion was approved 5-0-1.

d) Planning Board Bills:

GCG– 345.00 – Huttleston/Gellette Road – Dana Lewis – Jeffrey Lucas made a motion to pay the \$345 bill to GCG and was seconded by Rene Fleurent. The motion passed unanimously.

e) Correspondence:

An email was received regarding a Special Permit granted in 2017 for an SPEF at 279 Mill Road. Mr. Foley reviewed the email and the project. The Special Permit that was approved 2017 included two large sections of solar photovoltaic arrays in two separate farm fields. The people who have bought the right to do the SPEF have found that the more easterly field would not be cost effective to connect to. They would like to do the other section plus the Yankee Lane SPEF that was approved in 2018. Mr. Foley asked if the Board believes that it is a significant modification that will require the applicant to reapply for this modification. The Board stated the applicant needs to come before them to modify.

Mr. Hayward referenced the two solar projects they are doing and asked if they would be coming before them to remodel both 28 Yankee Lane as well as 279 Mill Road? Mr. Foley said he thought they were also doing the Yankee Lane project but will follow up with the applicant. Mr. Foley added two other calls came in regarding Solar.

2. PUBLIC HEARINGS:

a) Public Hearings:

1. **SP 2019-15 New Mazda Dealership/Carapace LLC** on Bridge Street-applicant asked for continuation to February 25, 2020.

Mr. Foley met with Mike Carter from GCG on the waivers, soils, slopes and space.

Mr. Foley also met with engineer Rich Rheaume and applicant Craig Lutz who dropped off a check and agreed to have GCG review the discrepancy and clarify the number of waivers needed.

Mr. Lucas made a motion to continue to February 25, 2020 per the applicant's request and was seconded by Mr. Fleurent.

On the question, Mr. Hayward asked about having four hearings on the 25th.

Mr. Foley reviewed what was coming up on February 25, 2020 stating that the Dana Lewis project will most likely be put out another two weeks past the 25th. He said some are easier than others.

The motion passed unanimously.

2. **SP2020-01-Ocean Breezes 4-Unit Condominiums:** asked for a continuance to February 25, 2020 Mr. Lucas made a motion to continue SP2020-01 to February 25, 2020 per the applicant's request and was seconded by Cathy Melanson. The motion passed unanimously.

b) Written Decision Review

i. SP2019-14: Bridge Street Gas Station Modifications.

The draft written decision for the Bridge Street Gas Station Modifications was passed out. Mr. Foley stated it was essentially the same as the original Special Permit decision with the alternative stormwater control unit substituted for the original onw and a brief history of the review process. All of the conditions from the original Special Permit were included to make sure it was clear that all of the old conditions were still applicable.

Mr. Hayward stated they are just approving the changes, not the Special Permit.

Cathy Melanson made a motion to approve the modification to the Special Permit and was seconded by John Malaspino. The motion passed unanimously.

c) ANR Plan Review:

i. Glenhaven Form A (ANR): 34 Glenhaven Avenue (New lot on McKenzie Lane)

Mr. Foley reviewed the application for the Form A (ANR) for a new lot on McKenzie Lane carved off the back of a property on Glenhaven Avenue. The zoning is RA Single Residence. The RA Zone requires a minimum of 100' frontage and 15,000 sf. The new lot will have 180' frontage, a 15,000 square foot lot and would be on an accepted street on McKenzie Lane. He checked with the DPW to make sure there were no restrictions on accessing on McKensie Lane. It was a new cul de sac subdivision in the last ten years and he doubts they ever contemplated someone trying to access it from Glenhaven but there is no restrictions or conditions relative to new access on the street. He said he is not a big fan of ANR but this is a good location for a new home. This part of the property is mostly clear and they should not have to cut any trees to build a house. They will need a permit for a new curb cut.

Cathy Melanson made a motion to approve the ANR and was seconded by Rene Fleurent. The motion passed unanimously

CURRENT PLANNING:

- a) Upcoming Public Hearing: February 25, 2020
 - i. SP2020-02 Acushnet Co.:New Entry and Wellness Center

Mr. Foley gave a brief overview of the project to remove over 6,000 sq feet of paving; a proposed new area and doing an addition for a wellness center in the rear with golf simulators and a yoga area. All material is posted on the website. They are going to the Conservation Commission the night before. They will be taking down the existing entry and replacing it.

Ms. Richard asked to send out information packets to those who want it. Staff reports and information will be on the website.

Access will be on Mill Road. This is the Northerly Building on Bridge Street.

Mr. Foley will put together a slide show together highlighting what the changes are.

- ii.) SP2019-13 – Lewis Landing/Huttleston Multi-Unit Condominiums:

Mr. Foley is not sure they'll be ready. He is meeting with Richard Rheume for Mazda and will sit down to discuss.

- b) Continued discussion of potential Town Warrant Articles for May 2, 2020 Town Meeting.

Mr. Foley went over the bylaw documents for possible language for said articles on the Planning Board website. He reviewed the matrix that the State puts out that shows that the 14 or so towns that have adopted the Room Tax Impact Fee charge an additional 3% fee.

Jeff Lucas stated he read from Toronto – no more than 160 days a year, and owner-occupied. Mr. Foley discussed a brief review of the short-term rentals bylaw documents and ordinances that are on the Planning Board website. He will be adding more.

Mr. Foley reviewed making Special Permit approvals 'up to 3 years'. The new National Flood Insurance Program (NFIP) maps need to be adopted as well.

Mr. Hayward – asked about storm management bylaw change. Mr. Foley stated that Mr. Furtado was hoping to get together a meeting sometime next week to review.

Mr. Hayward asked about Crow Island. Mr. Foley gave the owner the application information and deadlines and has not heard back. He thinks they are going to come back in March for a public hearing.

Mr. Hayward asked about the November 13th North Fairhaven by-law and if anything has come back yet. Mr. Foley said he thinks they still have more time but will check on the date with the Town Clerk.

Ms. Richard asked if the Dog Park was coming before the Planning Board or if it needs to. Mr. Foley presented to BPW on February 10, 2020 and they did not seem too enthusiastic. They recommended three new possible locations. One was at Macomber Park where the BMX track is. They also mentioned that there is a Town owned sight on Manhattan Avenue. A member also wanted to look at Cushman

Park. He doesn't think it's coming up for this Town Meeting. The staff review of the sites they looked at found the two best were for Rogers School and North Street. He has received a letter in support of Rogers School though he said, of the two, the better would be the North Street site. In any case a public hearing has to take place for any site so that we hear from the neighbors. Mr. Foley will check out the other sites for dog parks that the BPW suggested when he gets a chance.

Mr. Hayward stated the plans should come before the planning board not necessarily to vote on but to review. Ann Richard referenced the turf at the high school and how that should possibly come before Planning. Mr. Foley gave his opinion on turf, as experienced with it in his previous job. He said that people are sold on the low maintenance but that is not really the case. If they get too wet you get mold. If it gets too dry the filler blows away. They have found that the crumb rubber is carcinogenic so the Applicants on the Vineyard quickly switched to filler from coconut husks. The other major cost to consider is that they last eight years and are not recyclable. Mr. Foley will advise that Per Chapter 65 these are the things that are supposed to come before Planning Board.

Mr. Hayward asked about the Police and Fire Station. Mr. Foley said his understanding is that the people looking at this are still in discussions about the right site. Mr. Lucas advised that all departments/boards should be present when they're looking at these sites.

Long Range Planning:

Town Planner Update:

Mr. Foley attended a Mass Historic Commission grant writing seminar today. He was looking at a particular project at the Academy Building. One issue is that they include accessibility but it can only be 1/3 of a project. He will be looking into other projects. Funding is a pretty good chance at receiving if eligible as they said the number of applications have gone down.

He will be attending a Municipal Vulnerability Plan (MVP) meeting regarding a joint plan and grant with New Bedford with the Conservation Agent and Harbormaster this Thursday.

Mr. Hayward asked about the demo bylaw from attorney general. Mr. Foley will check in with the town clerk what the deadline for the Attorney General to get back to the Town is. He noted that Mr. White, the Building Commissioner made up a draft application and Mr. Foley is reviewing and will send a few little comments. There have been one or two application submitted but it has not triggered the bylaw as of yet.

Mr. Hayward asked about Retail marijuana and if any licenses are coming forward. Mr. Foley stated that Bask has said they will be applying soon. He said they are not going to grow there anymore. The medical will be in back and the recreation will be in front. Mr. Foley will provide more details as they are forth coming. Another group, Metro Harvest went in front of the Selectboard a week or two ago. They are working on their host agreement. Mr. Foley said he thought there would likely be concerns with the location they are looking at with parking and vehicular circulation.

Cathy Melanson made a motion to adjourn and was seconded by John Malaspino. Motion passed unanimously at 7:20pm

Respectively submitted,
Patricia A Pacella
Recording Secretary