

Fairhaven Planning Board

Minutes

Tuesday, February 25, 2020 – 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

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FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

a) Vice-Chair's Welcome & Media Notification

b) Quorum/Attendance:

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

Absent: John Farrell and Geoff Haworth

c) Minutes: February 11, 2020 – draft

Jeff Lucas made a motion to accept the minutes of February 11, 2020 and was seconded by Rene Fleurent. The motion passed unanimously.

d) Planning Board Bills:

Ms. Richard advised there was a bill from GCG in the amount of \$920 for the project Carapace/Mazda for review done by a senior engineer. Jeffrey Lucas made a motion to pay GCG \$920, and was seconded by Rene Fleurent. The motion passed unanimously.

Ms. Richard advised there was a bill from GCG in the amount of \$3,105 with two invoices (one for \$2,702.50 and one for \$402.50) for the same project for Carapace/Mazda from January 22nd and February 13, 2020 for senior engineering hours. Mr. Lucas made a motion to pay GCG in the amount of \$3,105 and was seconded by Mr. Fleurent.

On the question, Mr. Lucas asked if this is up to date including senior review of clarification of waivers of the 2nd Peer Review. Mr. Foley said this is just for the previous plan dated January 22, 2020. He has not and will not send the revised plans that were dated February 14 but received February 18, 2020 until he is asked to do so by the Planning Board. The motion passed unanimously.

Thirdly, Ms. Richard advised there was a bill in the amount of \$3,815 from GCG for review by a Project Manager and a Senior Engineer for the Hiller and Timothy Street Subdivision Review. Mr. Lucas made a motion to pay \$3,815 to GCG for the Hiller & Timothy Street review and was seconded by Rene Fleurent. On the question, Mr. Hayward asked if the project was still in arrears, and Mr. Foley stated yes, they are. The motion passed unanimously.

3) Correspondence:

Ms. Richard pointed out that everyone should have received a copy of the Appeal of Denial of Hiller & Timothy subdivision, which they said they had.

Mr. Foley stated he is working with Attorney Crotty regarding this.

Ms. Richard also pointed out a letter from Whitney McClees, the Conservation Agent about their votes from last night's Conservation meeting. Ms. McClees was asking if the Planning Board was asking that if the Planning Board votes to do another round of Peer Review on the Mazda and Lewis Landing projects that the Conservation Commission request that the peer review for both Planning and Conservation issues be done at the same time.

2. PUBLIC HEARING:

- i. **SP 2020-02 -- Acushnet Co. New Entry and Wellness Center:** Public Hearing for proposal to construct a 900 sf new visitor entrance and 7,500 wellness amenity.

Mr. Foley reviewed the staff report and slide show with the Board, advising that the new entry is proposed on the north side of the north building and the new wellness is on the south side of the northerly building. He said the project was to construct a 900 sq foot visitor entrance and to build a new 7,500 sf wellness amenity with golf simulators and a putting green that would also have a yoga/fitness studio and a lounge for employees. The proposal would remove approximately 37 parking spaces and removing 6,050 of impervious surfaces.

Keith Boyle from Cue3 explained where the generator is going and plantings in the green space.

Mr. Foley continued with his staff report in explaining the project. The new 900 square foot visitor entrance will replace the existing sawtooth entry. The plan includes modifications to the interior, portions of the sidewalks, access drive, parking areas, site utilities and landscaped areas. The five (5) handicapped spaces are being moved to the other side of the south entry in place of seven (7) existing spaces that will be re-stripped. The applicant has said that the proposal will not change the operation of the facility or number of employees. The Acushnet Company currently employees about 600 people. Mr. Foley routed the plans and reviewed the comments from the Town Departments. The removal of the 6,500 square feet of pavement means no peer review is technically required. Mr. Foley sent it to GCG to confirm there were no concerns.

Mr. Boyle reviewed the entranceway into the new building, modern, clean, crisp level. Mr. Hayward asked if any changes of use here. The applicant stated no.

Mr. Lucas asked if any charging stations were going in for the future. The representatives from Acushnet Company stated not at this time.

Mr. Foley stated they went in front of Conservation last night and the hearing was continued until the next meeting. Mr. Madden explained that at the Conservation meeting they had asked for the continuance to give the Planning Board the opportunity to review and hear the project.

Ms. Richard opened it up for any public comment.

David Durfee, 10 Eddy Street had questions about exiting and entrance points, and asked if everything was staying the same. They stay the same.

Resident, Wayne Gallant asked if the wellness center was open 24 hours; to which they said it was for employees only. Acushnet Company representative Michael Kelly stated that currently there are about

600 people that work at the Fairhaven campus and the wellness center is used by approximately 20-30%. He said the wellness center is for employees only.

Mr. Gallant asked about the drainage system. Mr. Madden stated catch basins are on the property and will discharge underneath, mostly on the West side.

Grace, an abutter has some concerns about the traffic pattern. She has lived on Mill Road for 55 plus years and it has always been a "No Right Turn" for the traffic exiting Acushnet Company. She said she has seen heavy traffic during lunch and cars going to the right and speeding and she has concerns.

Mr. Kelly said there would be no change in the traffic pattern.

Mr. Hayward had a follow up comment in stating that there was no right turn except for local traffic at that point. He asked the management team to assist in the traffic flow to only be a right turn only for local traffic. Management team agreed.

The Planning Board was ready to vote, however the applicants had not seen a copy of the standard conditions. Jeff Lucas made a motion to take a five-minute recess and the Motion was seconded by Wayne Hayward. The motion passed unanimously, in order for the applicants to review the standard conditions.

The meeting got called to order as of 7:16pm

Mr. Madden had a few comments regarding the standard conditions. He asked that item #9 regarding "all" exterior lighting be changed to 'all proposed exterior lighting'; and asked that item #17 and item #19 be stroked from the conditions as they don't apply to this project.

Mr. Hayward made a motion to approve the Special Permit SP2020-02-Acushnet Co. New Entry and Wellness Center with plans dated January 14, 2020 with the 18 standard conditions and was seconded by Mr. Lucas. The motion passed unanimously.

- ii. **SP2020-01 – Ocean Breezes 4 Unit Condominium:** Public Hearing for proposal to construct a 4-unit multi-family residential complex at 294 Huttleston Avenue. Request to be continued in order to answer questions raised by staff and DPW through routing.

Mr. Foley asked for the Hearing to be continued to March 10, 2020 per the applicant's request. Mr. Foley stated that DPW had provided them with a few comments as well as a few of his own. He stated abutters would be notified again.

Mr. Hayward asked what the reluctance to come before the Board is. He said the project was filed and then they continuously ask for a continuance. He said they should be coming before them for discussion then asking for a continuance if needed.

Mr. Lucas made a motion to continue to March 10, 2020 and was seconded by Cathy Melanson. The motion carried with four in favor (Ms. Richard, Mr. Lucas, Ms. Melanson and Mr. Malaspino) and two in opposition (Mr. Hayward and Mr. Fleurent).

- iii. **SP 2019-15-Mazda Dealership/Carapace LLC:** Continued Public Hearing on proposal to create a new Mazda Dealership on the corner of Bridge Street and Route 240 (Map 36, Lot 15). Applicant submitted revised plans on Tuesday, February 18

Engineer on the project, Richard Rheume had questions regarding the full board not at the meeting tonight, as there were two absent. He asked if the vote took place tonight, all would have to be in favor which Ms. Richard stated that would be correct.

Mr. Rheume also introduced Mazda owner, Craig Lutz, also in attendance. Mr. Rheume reviewed what the comments were from other boards/departments from Town. He said they did address the comments to the new plans. He stated they also wrote a letter asking for 2 waivers – not controlling the volume increase because of high water table and slope of detention basin, 4:1 slope – but asked for a steeper slope, further away from wetlands and larger wider storm water detention basin to have clear access on all sides.

Mr. Foley stated that he did not have time to review the revised plans. He thought they had agreed to clarify the waivers before doing anything else. He met with Mike Carter from GCG who felt there were still at least 9 waivers requested and had several back and forth emails with Tony Ma, the Peer Reviewer. Documents clarifying those conversations were included in the packet.

Mr. Foley added that page two of the narrative still talks about a left turn out of Bridge Street, and that should be taken out. Mr. Foley stated that GCG had not yet received these revised plans.

Mr. Lutz apologized and stated he needs to delete the left turn from the narrative.

Mr. Rheume stated he disagreed with the waivers as GCG presented. He said he strongly objects to the waiver for volume control. He said he feels like they are fabricating what the need for waivers are. Mr. Rheume stated he thinks it would be a good idea for a meeting to take place with a senior person from GCG to discuss the waivers. He said they are requesting two waivers, not nine and he needs that clarified.

Discussion on the properties catch basins and standing water.

Mr. Hayward asked if one more peer review has to take place. Mr. Foley stated it was up to the Planning Board. He is going to have the Board tell him or vote for further Peer Reviews.

In another matter, Mr. Lucas stated he was not happy with the 5' front on Bridge Street. He said it was not enough greenery on that side and he did have some concerns. Mr. Lutz stated he wants to work with Board and asked Mr. Rheume if they could pull back 5' on the patio in the front and how that would open up the Bridge Street space. Applicants agreed to change the patio to add more greenery in front on Bridge Street.

Discussion if the plans need to go back to GCG re: the stormwater waivers. Mr. Rheume would like to get a meeting with GCG regarding the waivers they are suggesting, and what Mr. Rheume is believing his waivers are. Mr. Foley stated he would speak to Mike Carter from GCG to come down for a meeting with the applicants.

Mr. Lutz went over the details of any revisions that need to take place to move forward. They will submit new plans of the new frontage on Bridge Street. Mr. Lutz asked if they should include the signage on the plans.

Jeffrey Lucas made a motion to continue the Mazda dealership/Carapace to March 10, 2020 and was seconded by Mr. Fleurent. The motion passed unanimously.

- iv. **SP2019-13 – Lewis Landing/Huttleston Multi-Unit Condominiums:** Continued Public Hearing on proposal to create twelve (12) 2-bedroom condominiums in four buildings on 2.5 acre on Huttleston Avenue (Map 31 Lot 117C). Applicant submitted revised plans on Tuesday, February 18.

Mr. Foley briefly reviewed the project. He said he did not have time to review the new plans thoroughly but that it was obvious the made some of the adjustments the Board was looking for. They took off the garages and maintenance building and the second exit across from New Boston Road.

Mr. Rheaume reviewed the new plans. He said they are keeping the stonewall. He explained the swale into the natural depression to retain the water and infiltrate. Explained the red maple trees, evergreen hedges in between on Huttleston Ave (Rt. 6 front).

Mr. Lucas asked about the manhole and the pipes that are flowing into the property and exiting out. A discussion ensued on the volume of water going through the property and the manhole on the property and who's responsible for fixing it.

Mr. Bekemeier of 354 Huttleston Avenue, who is the abutter across from this project stated there is a lot of ponding of water and it is a big problem that has to be fixed. Mr. Bekemeier also asked if this was a condominium project or apartment rentals project. As they first came out they said it would be condominiums, now they are saying apartment rentals, which I understand is needed in our area, however he believes the two are different business models. People who own generally have more pride of place. Mr. Rheaume said it was apartment rentals.

Mr. Foley will make GCG aware of the broken manhole on this project and provide them with a possible site visit when they come down.

Mr. Lucas made a motion to continue to March 24, 2020, and change the project name to say multi-unit apartments, not condominiums and was seconded by Cathy Melanson. The motion passed unanimously.

3. CURRENT PLANNING:

- a) Upcoming public hearings:

Mr. Foley had a meeting with the solar farm project who reported they were still planning on doing the whole project but would do it in phases.

- b) Continued Discussion of Town Warrant Articles for May 2, 2020, Town Meeting

Mr. Foley discussed the short-term rentals community impact fee paperwork that he provided the Board. He said they could ask that Town Meeting for a community impact fee (see proposed general bylaw amendment staff report 2/24/20).

Mr. Foley believes a bylaw to regulate short-term rentals will take time but that it is important that we look at it because it could change neighborhoods, and that the Board needs to start somewhere to file something more in depth in the future to regulate it. In the short term we could simply add a 3% Community Impact Fee that would apply to the Short-Term Rentals.

The Town of Fairhaven already has a 6% Hotel Room Occupancy Tax. This automatically applies to Short Term Rentals as of July 1, 2019 based on the new law. The Town may impose an additional 3% as a Community Impact Fee on two separate types of STR: 1) Professionally-managed and/or 2) Within a two-family or three-family dwelling that includes the operator's primary residence. The Occupancy Tax and the Community Impact Fee are paid by the operator of the STR directly to the State Dept. of Revenue (DOR). DOR then distributes the local share to the Town. The 6% Room Occupancy goes to the General Fund. 35% of the 3% Community Impact Fee has to be spent by the Town on either affordable housing or local infrastructure projects.

Mr. Hayward stated he thought they would be sending the wrong message to Town Meeting and that adding a fee would be encouraging short-term rentals. He felt if we are going to add a fee it should be at the same time as a new regulation.

Discussion on what a bylaw might look like. Discussion on how to monitor and regulate. Mr. Lucas stated it could encourage tourism.

Mr. Foley thinks that to pass a bylaw regulating Short-Term Rentals we will need a few public hearings and get information from the residents and make sure we get the information out. That is going to take more time. Ultimately, the Town can regulate the existence or location of operators, the class of operators, the number of local permits and the number of days a person may rent out an accommodation in a calendar year. The town can also make sure there are no building violations at the property and assess penalties for properties that do not abide. That will take time. The best we can do for this Town Meeting is consider a 3% Community Impact Fee that is straightforward.

Mr. Fleurent stated he felt they are rushing this and need a lot more discussion before it goes to town meeting. Ms. Melanson and Ms. Richard both stated they think we could do the 3% community impact fee now.

Mr. Lucas made a motion to propose the 3% community impact fee as a Planning Board supported article as a general by-law for the May 2, 2020 Town Meeting and was seconded by Cathy Melanson.

Mr. Hayward stated he believes that general bylaws have to be discussed by the Board of Selectmen as the Planning Board is responsible for zoning bylaws. Ms. Richard stated it's happening in our community now and is not regulated, at least this could start the ball rolling.

Mr. Foley stated he could develop some information on how to go about regulating it, to monitor it more. He can work on that in the next year so they can create a zoning by-law to enforce it.

Mr. Hayward stated he believes they are putting the cart before the horse and has concerns how it's going to be regulated

Mr. Lucas stated he was not sure why we should not do it now. He said not everything he has read says it has to be linked by a zoning bylaw. Mr. Fleurent thinks we need more discussion before we can vote on it.

Ms. Richard stated there was a motion and seconded, so she needed to know how the Board wanted to proceed. She asked if the board wanted to table it or ask Mr. Foley to get more information on it. Mr. Lucas suggested perhaps the Select Board should review it.

Mr. Foley stated he could talk to Mr. Rees and see if they want to pursue it. And in the meantime he can work on the regulation for a future town meeting.

The motion passed four in favor (Ann Richard, Cathy Melanson, Jeffrey Lucas & Jay Malaspino in favor), and two in opposition. (Wayne Hayward & Rene Fleurent in opposition.)

In other continued discussions for Town Meeting Articles, Mr. Foley stated he would get information on the wording for the "up to 3 year Special Permit" language out to board members. This by-law requires a public hearing.

Mr. Hayward made a motion to have a Public Hearing for this by-law on March 24, 2020 and was seconded by Mr. Lucas. The motion passed unanimously.

5. **OTHER BUSINESS:**

Mr. Foley reported that he and Tim Cox went to Gloucester today for some good news in receiving a \$1 million dollar grant from the Seaport Economic Council for the South Sheet Wall at Union Wharf. Mr. Foley has also gotten the green light from Mr. Rees to pursue two community compact grants. He should be able to get to those this week.

Mr. Foley recently attended a NFIA community forum that was held last week, where there was a good showing of local dignitaries including Representative Strauss and a couple of Selectboard members from Acushnet. Someone from SRPEDD was there as well. SRPEDD has agreed to take a historical look at the traffic in that area now in addition to the Traffic Study Mr. Foley as requested.

Mr. Foley reported that the Rt. 6 Traffic Study draft is publicized and available for comment. He said he emailed it to everyone, but will email again and people can comment if they would like.

Cathy Melanson made a motion to adjourn and was seconded by Wayne Hayward. The motion passed at 9:38pm

Respectively,

Patricia A. Pacella
Recording Secretary