FAIRHAVEN PLANNING BOARD

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Town of Fairhaven Planning Board Minutes February 8, 2022

1. **GENERAL BUSINESS:**
   a) Chair's Welcome and Media Notification: Chairman, John Farrell opened the meeting at 6:30p.m. and advised the public of the Media Notification.

   b) Quorum/Attendance: Present: John Farrell, Wayne Hayward, David Braga, Jessica Fidalgo, Rene Fleurent Jr., and Cathy Melanson.

   Absent: Geoff Haworth and Jeffrey Lucas

   c) Minutes: January 25, 2021 draft to be reviewed- Cathy Melanson made a motion to accept the minutes of January 25, 2022 and was seconded by Jessica Fidalgo. The motion passed unanimously.

   d) Planning Board Bills: FNN-$130.00 for the legal ad for piece of Torrington Road south of Reservation Road discontinuance. Cathy Melanson made a motion to pay the $130.00 bill to FNN and was seconded by David Braga. The motion passed unanimously via roll call vote.

   e) Correspondence: None

2. **PUBLIC HEARINGS:**
   a) Public Hearings:
      i. **SP 2021-02 - Crow Island: Continued Public Hearing to be continued without taking testimony to February 22** at the Applicants request regarding the proposal to create a destination for outings and events such as weddings, corporate outings, parties and other special events.

      Mr. Foley advised that a number of new plans were asked from the applicant at the last meeting and the attorney asked for a continuance to get the plans ready for the members.

      Cathy Melanson made a motion to continue SP2021-02 Crow Island to February 22, 2022 per the applicant's request. The motion was seconded by David Braga and passed unanimously via roll call vote.

b) Other Reviews/Discussion:

i. **Chapter 91 Balsam Street**: 200 foot long (+/-) fixed dock and floats

Mr. Foley stated he received a DEP Chapter 91 form for this project that needs a sign-off from the Planning Board. The form says the Planning Department should sign that they have received the plans but he does not do so until it is brought to the Board's attention. Mr. Foley reviewed the location of the 200' long dock float at 198 Balsam Street.

Mr. Farrell asked if any of the Board members were interested in the specific plans. Mr. Fleurent asked what the reasoning behind the dock being beyond the 75' foot limit was and why do they need to have it that long.

Mr. Foley stated they needed to get out to deeper waters because the water is so shallow. Mr. Foley said there would be no shipping blocked per se but it is a shell fish area. He's not sure how the ZBA can allow a variance to a 200 foot dock with a 75 foot limit.

Mr. Fleurent asked if there is any lighting that goes out on the dock to make boaters aware of it. Mr. Foley said he was not aware of any and not sure if that's a requirement. He reviewed exactly where the dock was going, the North West corner of West Island right before Bella Vista Island.

Mr. Hayward expressed concern about the docks getting close to the quahog area. He said he hopes everyone on that street doesn't start going from property to property to build docks out beyond the 75 foot limit.

Mr. Foley will sign the form and forward the boards concerns to DEP.

ii. **Preliminary Subdivision Received:** Proposed 8-Lot Subdivision on Starboard Drive.

Mr. Foley noted we just received this Preliminary plan and wanted to bring this proposed 8 lot subdivision to the Planning Board's attention and will discuss at the next meeting. The property has 9.53 acres and 266.66' of frontage. The property was reconfigured last year through an ANR Plan. Historically, it contained five (5) single family dwellings on a single parcel with shared access from Sconticut Neck Road via a gravel driveway of variable width.

Mr. Foley reviewed the proposed project would be to re-sub divide the lots to build an eight-lot subdivision. He said there were a few waivers for sidewalks; individual on-site septic on the three new lots. Mr. Foley stated this information was on the website and was stamped in today to be brought forward to the Planning Board. The engineer is Mr. Davignon for the record.

Mr. Hayward asked Mr. Foley to review the Lot #9 on the plans and that there be a discussion at the next meeting. Mr. Hayward stated he wanted to know the status of that lot compared to the others in that same area.

3. **CURRENT PLANNING:**

a) Rogers Reuse Committee Update: Nothing new per Mr. Foley. RFP proposals are due March 11, 2022. Rogers Reuse will meet March 15, 2022. He will be showing the building to a prospective respondent. Mr. Foley thinks they will get at least two responses and hopefully more. Mr. Hayward had no additional comment.

Mr. Foley thought the Reuse Committee would meet and discuss the RFP's and probably make a recommendation to the Select Board. It may take more than one meeting depending on how many responses come in. Mr. Hayward thought that they were not supposed to be involved with that recommendation. Mr. Foley said he will post RFP responses on the website and that anyone is free to make a recommendation to the Select Board who will presumably hold a public meeting to discuss it. He said he would be making his own independent recommendation apart from the committee.

Mr. Hayward stated he didn't feel the recommendations should be on the website as it may be tainted and discussed via Social Media.

b) 2022 Town Meeting Bylaws:

i. Tree Bylaw, Narragansett Ave. Rezone, Wind Energy Facility Setbacks

Mr. Foley reviewed the draft Fairhaven Street-Shade Tree Protection Bylaw. He said he has forwarded it to the department heads for comment. The Public Hearing will take place on February 22, 2022. He advised there is a rough draft of the bylaw to be reviewed. Mr. Foley gave an overview of the draft local Tree Bylaw. He added that he has applied for a grant to hire a consultant to produce an inventory and management plan for the trees which should add some to the bylaw. This draft is primarily intended to ensure that any tree hearings or utility management or hazard plans all get properly noticed and the Planning Department, Planning Board and Select Board are a part of the process.

Mr. Farrell asked if he got any push back from doing an in-house inventory plan. Mr. Foley noted the grant to get a consultant to put an inventory and plan together. He said the tree warden is planting trees and would like to plant more trees, but Mr. Foley would prefer they hold off on any trees being planted at this time until we have professional certified arborist identify the best trees in the appropriate locations. He would also like all new trees to be geo-located. Mr. Foley stated he has not received any push back from anyone on doing an inventory plan and in fact was approached by a citizen that day about volunteering to help with an inventory.

Mr. Hayward said he would love to see the Shade Tree Bylaw plan put through. He said the document is not set in stone and may change after the public hearing takes place.

Mr. Braga asked about compiling all the tree bylaws to compare to what the proposal will be and what will the changes will be. Mr. Braga asked about perhaps a collaboration with the Charter Commission, as they are reviewing the bylaws. Ms. Melanson stated the Charter Commission isn't picking things apart as of yet and that this shouldn't be held up. Mr. Braga agreed.

Mr. Foley said there is no tree bylaw currently per se but we do have chapters and sections in Chapter 198 (zoning) and Chapter 322 (Subdivision of Land) that do deal with planting and landscaping when certain big projects are reviewed by the Planning Board.

Regarding, the Narragansett Avenue rezone, Mr. Foley said this is coming up as a Public Hearing as well. He said part of Narragansett Avenue on the zoning map states it is a commercial area. He said the bylaw is simply to clean up the area to conform to the reality that this is a Residential Area. It's really just some house cleaning.

Ms. Melanson stated there was a daycare at the end of the street and she wanted to make sure this would not affect them. Mr. Foley said a daycare is allowed in a residential area.

Mr. Hayward asked about the lone red lot zoned Commercial on the corner of Mill Road and Bridge Street. He said it was all fields and that area has been zoned business for a long time. He stated there was a vernal pool just north of this area and perhaps this lone red lot needs to be reviewed as well. Mr. Foley agreed.

Mr. Foley reviewed a possible bylaw for "Wind Energy Facility Setbacks" that would be a language change that would make the setbacks for wind turbines also apply to a developer trying to site new uses too close to existing wind turbines rather than just applying to it to new turbines staying away from existing uses.

c) Town Planner Update: Site Readiness Grant, Union Wharf Study; Rt. 6/240 Plan; Parks Review
Mr. Foley noted there is a CPTC webinar regarding "Vested Rights and Nonconforming Structure" on Thursday, February 24, 2022 from 6-7:30p.m. He asked if anyone was interested in attending he would be able to sign them up.

Mr. Hayward said this really speaks to Zoning Board of Appeals. He asked Mr. Foley to send this over to the ZBA for their agenda. He said it would be done via zoom platform. Mr. Foley said he would forward to the Chairperson and the Building Commissioner, as the Staff person.

Mr. Foley reviewed discussions with SRTA regarding the benches/shelter for Fairhaven bus stops. Mr. Farrell asked about the shelter at Fairhaven Village and asked who is responsible for the maintenance/upkeep of it. Mr. Foley stated he believed it would be SRTA.

Mr. Foley reviewed the SRTA bus stops in Fairhaven with data of boardings and alightings at different stops.

Mr. Hayward suggested looking at the size of shelter's as he didn't feel they had to be all the same size. Mr. Hayward asked if there was any money for commuter rail and if it could be linked for funding. Mr. Foley stated he has reached out to SRTA directly to get connected to the loop for the commuter rail. He wasn't sure about the funding availability.

Mr. Foley stated there was nothing new on Union Wharf at this time. The consultants are working on the draft study and alternatives.

Mr. Foley stated there are five Phase 1 completed as far as the Site Readiness Grant study goes. He says there will be a meeting with consultants this Friday, February 11, 2022. He is hoping there is enough money left in the grant to do some more borings on the front of the 194 Bridge Street site to see if it is a possible location for a future public safety complex.

Mr. Foley has proposed an in-house recreation facilities review committee with other departments including Recreation, DPW, Police, and Schools to investigate how the recreation areas in Town are used or not used and why. This would be done through a combination of direct observation, interviews, surveys and soliciting input and suggestions from the public. He met with Ann Richard at Livesey Park bout the skate park as the applicant for the resurface that was approved by CPC last year. He thinks they should consider holding off on the resurface and go back and ask CPC for more money to redesign the park and replace some of the older features to make it a better park that accommodates more users.

Mr. Hayward said he hopes the committee will also consider music and repairing the bandstand at Cushman Park. He said that nothing happens anymore within that band shell and perhaps that could be utilized for outdoor music. He asked Mr. Foley to have the committee look at that venue for outdoor concerts.

4. **LONG RANGE PLANNING**:
   a) Town Planner Update: Mr. Foley reviewed the next few meetings. On February 22, 2022 there is a public hearing for the Tree Bylaw and the Narragansett rezone as well as the discussion on the preliminary subdivision on Starboard Drive. We may also have the continued public hearings for Nye and Crow Island. March 8, 2022 meeting has the public hearings for the Car Wash and A&A Car lot. He has spoken to the owners of the Industrial lot north of Koopman Lumber and they want to do self-storage. He encouraged them to consider some business condominiums because storage units do nothing for the Town. They are allowed but do not create any jobs. He said it looks like a very busy year of projects.

5. **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

6. **EXECUTIVE SESSION**: Possible discussion regarding Hiller & Timothy litigation.
   Executive Session was not necessary at this time. Mr. Foley, the Chair, Vice Chair and Town Counsel met to review the plans and letter that the applicants submitted. The letter stated a new set of plans would be submitted and no plans have been submitted yet. Attorney Crotty stated that a status hearing in court was upcoming in the next few weeks. Mr. Farrell said they reviewed plans today dated July 21, 2021 and that was the last set of plans the Board reviewed.

7. **Next Meeting**: Tuesday February 22, 2022.
   Cathy Melanson made a motion to adjourn and was seconded by David Braga. The motion passed unanimously via roll call vote. The meeting adjourned at 7:58p.m.

Respectively submitted,
Patricia A. Pacella, Recording Secretary