

Minutes  
Fairhaven Planning Board  
Tuesday, April 24, 2018

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The meeting opened at 6:45 p.m. and Mr. Hayward advised the meeting was being recorded and put on livestream. 2018 MAY -2 P 2: 04

**A. ADMINISTRATIVE BUSINESS:**

FAIRHAVEN,  
MASS.

Quorum/Attendance:

Present: Chairman, Wayne Hayward, John Farrell, Geoff Haworth (arrived at 6:44pm), Jeffrey Lucas and Ann Richard

Absent: Cathy Melanson, Nicholas Carrigg, and Rene Fleurent

Acceptance of Minutes: Ann Richard made a motion to accept the April 10, 2018 minutes and was seconded by Jeffrey Lucas. Geoff Haworth asked that his last name be corrected, as it had a spelling error. With that one amendment, the Board voted unanimously to accept the minutes.

Planning Board Bills:

1. AD – **MA Municipal Association** - \$105.00 (BOS) for P&E Director  
Wayne Hayward explained this was to cover the Town Planner Position advertisement.  
John Farrell made a motion to pay \$105.00 for the Advertisement for the Planning & Economic Director and was seconded by Jeffrey Lucas. The motion passed unanimously.
2. AD – **Fairhaven Neighborhood News** - \$110.00 – Scott Snow-Rep, Petition  
Jeffrey Lucas made a motion to pay the Fairhaven Neighborhood News, \$110 for the advertisement for Scott Snow-Repetitive Petition and was seconded by John Farrell. The motion passed unanimously.
3. Refund – Sec/Dep-Landscaping-**Havenwood Business Center, LLC** – 232 Huttleston Avenue, \$2640.00  
Jeffrey Lucas made a motion to refund the security deposit to Havenwood Business Center in the amount of \$2640.00 and was seconded by John Farrell. The motion passed unanimously.

**B. CURRENT PLANNING:**

Receipt of Plans: None

Approval of Plans: Covenant – Mary D. Vander Pol – Modified Earle Street

Wayne Hayward explained they used the standard Form D Covenant.  
John Farrell made a motion to approve the covenant for Mary Vander Pol, Earle Street and was seconded by Ann Richard. The motion passed unanimously.

Street Acceptance: None

**C. PUBLIC HEARING:**

1. Rezone – The applicant, Scott Snow, is seeking to rezone two parcels of property located on Huttleston Avenue, from RRA to Apartment/Multifamily Districts (RC). (con't from 4/10/18)

Wayne Hayward reopened the Public Hearing, continued from April 10, 2018.

Scott Snow, the applicant, was present to advise that he has written up a voluntary covenant with his Attorney and has reduced the size from 18 units to 12, not to exceed 2 story in height. He stated he has

given a conceptual plan, but there is a lot of planning still needed to be done and this was just a 'vision' plan.

Wayne Hayward gave the Board information on the wetland line on the property. He stated that tonight's burning question was really if the land should be commercial use or residential. He reiterated that the Board was simple making a recommendation to Town Meeting, but then it was up to Town Meeting to accept the rezone or not.

Mr. Hayward did have some rough figures that he based on two bedroom condo units and reviewed them with the Board and Public. He stated that the Planning Department has had zero conversation with the applicant and his attorney since the last meeting.

Resident, Mr. Nate Beckmier said that he thinks the neighborhood would like to see residential. He said he has 'no faith' in the applicant who has just been shifting on his 'vision'.

Mr. Hayward said the covenant would be binding with the land.

Mr. Hayward also explained that the applicant would have to come back in front of the Board for a Special Permit and that would have to be a very detailed, engineered plan with drainage studies and possible traffic study.

Mr. Lucas said that Town Meeting couldn't make the article more restrictive, but the applicant would have to go in with amending the article to add the voluntary covenant.

Ann Richard asked the applicant if he was willing to wait until the Fall Town Meeting.

Mr. Snow said he didn't think he had to do that. "No," he said.

Ms. Richard just thought that it would be a good idea because the Town's counsel needs to review the covenant.

Mr. Hayward said the covenant is really between Mr. Snow and Town Meeting, and the Board's job is strictly to make the recommendation at Town Meeting to either keep it commercial or rezone to residential.

Resident, Phil Harding said he was speaking on behalf of some of the residents and that their concerns involved the uncertainty of the project.

Mr. Snow said he'd be willing to sign the covenant now and have the Board take it to the Town's attorney to review.

Mr. Harding said that the area is already very wet and the neighbors are concerned with flooding.

Linda Sylvaria was present to speak on behalf of one of the owners of the property, John Kalisz. She introduced herself as a Gold Star Realtor and stated it was her professional opinion that it's always better to have this type of space zones as residential versus business. She said condo units are a different animal than residential single family homes as far as market value.

Wayne Hayward stated that tonight's question was really Commercial versus Residential. He reiterated that Town Meeting would be making the decision to rezone, and it doesn't really matter what the Board had to say – they were simple putting forth a recommendation.

John Farrell thanked the neighbors for coming out and expressing their opinion, stating that the Board doesn't see that often enough.

John Farrell made a motion to recommend the rezoning on Map 31, Lot 115A from Single Residence District (RA) to Apartment/Multifamily District (RC) and Map 31, Lot 117C, from Business District (B) to Apartment/Multifamily Districts (RC) with the voluntary covenant attached to Town Meeting and was seconded by Geoff Haworth.

On the question, Ann Richard commented how we could add the voluntary covenant to the motion even though we don't know it's valid because it wasn't reviewed by the Town's attorney.

Wayne Hayward stated he would submit the covenant to the Town's attorney for review and if the covenant wasn't good, then at Town Meeting they wouldn't vote for it.

On the motion, the motion was passed 4-1, with Ann Richard in opposition.

2. **SPECIAL PERMIT** – The applicant, Clean Energy Collective, LLC is requesting approval to construct an approximate 3 megawatt solar farm consisting of approximately 11,000 ground mounted solar panels on two lease areas for a total lease area of approximately 15 acres. Location is 20 Yankee Lane. (con't from 4/10/18)

Wayne Hayward explained to the applicant that the Board tonight, did not have a quorum to approve a Special Permit – the Board needs to approve a Special Permit with 6 voting members, and there were only five members present. Mr. Hayward suggested that the applicant request a continuation without discussion.

Clean Energy Collective LLC agreed to the continuation. There was discussion to hold the next meeting on Tuesday, May 1<sup>st</sup> since there was already going to be a few members absent on the regularly scheduled meeting, May 8<sup>th</sup>.

John Farrell made a motion to continue the Clean Energy Collective LLC Solar Project to Tuesday, May 1, 2018 and was seconded by Geoff Haworth. The motion passed unanimous.

**D. LONG RANGE PLANNING**

**E. CORRESPONDENCE:** None

**F. OTHER BUSINESS:**

**1. Recreational Marijuana – Committee Update**

Ann Richard reported they haven't met since the last meeting. She has sent some information to Mr. Hayward and asked that he contribute to all members.

**2. SPREDD – 20 Hours**

Ann Richard asked that the Board members start to think about how they wanted to use these 20 hours that are up end of this fiscal year, June 30, 2018. She said there were a few things they could use with the hours and they need to discuss so they can pursue it.

Wayne Hayward said that the new Town Planner was set to start May 7, 2018 and should weigh in on what the hours could be used for.

John Farrell made a motion to adjourn and was seconded by Jeffrey Lucas. The motion passed unanimously. Meeting was adjourned at 8:30p.m.

Respectively submitted,



Patricia A. Pacella