

Minutes
Fairhaven Planning Board
Tuesday, September 25, 2018- 6:30 pm

1.. GENERAL BUSINESS:

a) Chairman, Wayne Hayward opened the meeting at 6:30 pm. The Chairman then advised that the meeting was being televised and recorded to a live feed on social media.

b) Quorum/ Attendance: Present Wayne Hayward, John Farrell, Anne Richard, Rene Fleuret, Cathy Melanson Jefferey Lucas, and John Malaspino.

Absent: Geoff Haworth

Gloria McPherson, Town Planner was also in attendance.

c) Minutes: September 11, 2018- Anne Richard made a motion to approve with amendments and was seconded by Jeffrey Lucas. Motion passed unanimously.

d) Planning board Bills

1. \$10.00 for newest member's name plate. Jeffrey Lucas made a motion to pay the Chadwick's bill \$10.00 for the name plate and was seconded by John Farrell. The motion passed unanimously.

e) Correspondence: None

2. PUBLIC HEARINGS

(A) **PLN-19-002 24 Water Street and 7 Union Wharf** Special permit application by Kevin McLaughlin on behalf of the Old South Wharf Realty LLC and Casey Boat Yard LLC, Pursuant to Zoning Bylaw section 198-29(1) and 198-27(A)(3)(a), New construction that would require a total of five or more parking spaces counting existing and new demand. for a proposal to demolish four existing buildings totaling,34,522 sf and construct three new buildings Totaling, 28,560 sf including a portable shed, at the property located at 24 Water Street and 7 Union Wharf. Assessors Map 7, Parcels 1 &11 in the industrial Zoning District.

Kevin, McLaughlin, owner of the Old Wharf Realty LLC, and Casey Boat Yard LL was present speaking on behalf of the project. He said they were proposing to demolish 4 existing buildings and construct three new buildings, one of which is described as a "portable shed". The requirement for a special permit is triggered by the new construction under section 198-29, in which has been interrupted and applied in the past so that many alterations to a building or site that already has 5 or more parking spaces, whether any new parking is needed or added, would need a special permit from Planning Board.

Ann Richard asked if there were currently any buildings that were demolished, and are they included in the plan.

Mr. McLaughlin then stated that one building has been demolished, and the Cap lock building is to be demolished with no time frame. Next, then union street which is 5,500 sq. ft. John Farrell asked if he could provide any clarification regarding utilities, location and whether there are any changes proposed.

Kevin McLaughlin stated that all utilities, existing sewer connections, existing electrical are underground. on Water Street and they must install a sprinkler system in water line into building. There is gas on site, but utility hasn't informed us if we need to install new or not.

Gloria McPherson asked if the DPW was aware?

Kevin McLaughlin stated that DPW has been through the buildings.

Gloria McPherson stated that the Planning Board must sign off.

Wayne Hayward asked Town Planner if she routed plans to DPW?

Gloria McPherson stated yes, and that it is noted in the staff report.

John Farrell asked Mr. McLaughlin if he looked at the conditions and if he agreed with them?

Kevin McLaughlin stated that he did have a few questions pertaining to the proposed conditions. He then stated that he was fine with the first four but questioned the landscape. The lot had always been a Parking Lot, if asked to landscape then would not be able to use lot. The plants would take away parking lot or reduce its size. The parking lot and restrict the ability to use the parking lot. He doesn't understand why a landscape plan must be put in place for an existing parking lot.

John Farrell asked Mr. McLaughlin, just to be clear he was talking about the Water St. Property? Proposed condition number 5?

Kevin McLaughlin replied to Mr. Farrell by stating yes, he was in fact talking about Water St. This is about #6, #7, #8 and #9, and #11 in the proposal by Town Planner.

John asked if there has been any discussion with the Town Planner pertaining to waivers?

Kevin McLaughlin stated he attempted to reach Town Planner earlier in the day, but they hadn't connected.

Wayne Hayward stated he remembered that permit and remembered it was two or three trees not landscaping, there is a blank area on the plans? The spaces are already there.

Kevin McLaughlin asked the Board why is there a need for landscaping?

Kevin McLaughlin stated that the requirement for one hundred twenty parking spaces will be helpful to have flexibility to move around easily. We currently exceed required spaces now at one hundred and twelve spaces.

Wayne Hayward stated that it was in the bylaws, one tree for every twenty spaces. The old special permit conditions were never fulfilled. There is still spacing there. That was a new Parking Lot when we issued the 2003 permit.

Kevin McLaughlin stated that ne never asked the previous owner about the special permit and believes there was a building there previously. I wasn't aware of the agreement to put trees in.

Wayne Hayward stated that he had a question, a few questions in fact. Is this *Parcel 9* part of the town? One time was it wrapped around the building? I thought those were connected?

Kevin McLaughlin stated No, that was on the ship yard property.

Mr. Hayward asked if the Town Parking Lot wrapped around two buildings do you own?

Kevin Mclaughlin replied yes.

Wayne Hayward asked if the Harbormaster has reviewed the plans at all?

Kevin McLaughlin stated that he did not, Harbor Master only reviewed Bulkhead

Kevin McLaughlin stated in response to Mr. Hayward, that they were constantly reconfiguring. He then stated there was an issue with #6 in the proposal. For Water St.

Conversation ensued.

Mr. McLaughlin stated he was willing to put up plants and security barriers at the building across the street from the parking lot, but didn't agree with taking away parking spaces to put up trees.

Wayne Hayward opened questions to the public:

Resident Beth Luey, 31 Middle street, first she stated that she was delighted the ship yard is going to be doing work indoors, that helps with noise and pollution. She stated her only issue is with the parking lot is in a mixed-use district that is now is entirely residential, that face the parking lot. It affects peoples view and quality of life. It's not just an esthetic issue but a safety

issue. Ms. Luey said that people back into those spaces and it's a danger to pedestrians. She said she would like to see something other than paint that separates the parking Lot and the side walk. She felt landscaping was necessary for safety.

Resident, Fae Parker, questioned what the use of the portable building would be for?

Wayne Hayward stated it has storage containers for side walls and a big top for a roof.

Fae Parker said her question was because it was very industrial and mixed use and feels very territorial and its residents aren't getting full use of their homes because its industrial one side of street and dominance factor of trucks and traffic. I question the safety and health of the community. Landscaping is necessary because it's an "eye sore."

Wayne Hayward stated that it is in fact in an industrial zone. There are two distinct zoning districts, some issues there were noise and traffic.

Ms. Parker stated the storage containers don't protect where I live at all. They don't wrap around the corner.

Wayne Hayward stated these storage sheds should act as a barrier but that they are temporary.

John Farrell, asked Town Planner if had visited site?

Gloria McPherson stated that she indeed had.

John Farrell asked the Town Planner if she felt it was achievable to put in this six-foot flower bed?

Ms. McPherson, stated that it may be a little less than or more than 6ft, using the drive aisle between the parking stalls, which is about 30 ft, and 24 ft is standard.

It is an irregular shaped lot, it will be difficult for trucks. It will cause congestion of the street, Mr. McLaughlin said.

John Farrell asked Mr. Mc Laughlin so the trucks unload in the parking lot? Supplies? Tractor trailer?

Ms. McPherson asked, you have 18 wheelers turn into that parking lot?

John Farrell said there's no other place to do this on your property? There seems to be a lot of room there for landscaping, but now its deliveries as well.

Jefferey Lucas said this is more about the abutters and safety right now. More spaces in Middle/Center street keep up spirit with law.

Wayne Hayward asked if Mr. McLaughlin wanted to continue this in two weeks?

Kevin McLaughlin stated that four or five trees loses five parking spots.

Rene Fleuret stated that Mr. Mclaughlin should sit with Town Planner and review.

Wayne Hayward stated that Town Planner and applicant should come to an agreement on the landscaping.

Gloria McPherson stated that she is awaiting direction from board on what they wanted, that she already made a recommendation in the staff report and Mr. McLaughlin described what he wanted.

Cathy Melanson, will you be okay with following 2003 permit regulations?

Rene Fleurent stated that he agrees with a hedge as recommended in the staff report.

Wayne Hayward stated there is no clear direction, and he recommended to continue the hearing for two weeks to clarify everything. Some board members want hedges other want trees.

Anne Richard made a motion to continue 24 Water St. Until Oct 9, 2018 and was seconded by Rene Fleuret. The motion passed unanimously.

Anne Richard stated the applicant must get together with Planner.

Kevin McLaughlin stated that he will review 2003 Permit

Gloria McPherson stated that the board members should visit site, and envision what the parking lot might look like with either a hedge as suggested in the staff report or with trees as required in the 2003 Special Permit.

Jefferey Lucas left meeting for night.

3. Current Planning-

a) 14 Plaza Way, MCZ Realty LLC, for the construction of a new 2, 002 sf Dunkin Donuts on existing parking lot, Map 27-Parcel 13

Gloria McPherson states that legal notice has been in the newspaper and the abutter notices have been sent out, but that the Chairman wanted to postpone to the next meeting because Marijuana scheduled for October 9, 2018.

Gloria McPherson will call the applicant to let them know they will be postponed to the meeting of October 25.

Gloria McPherson ANR plan that came in today, that came in that must be on the Oct 9 so it is acted upon within the statutory 21 days.

4. Long Range Planning

Mr. Hayward stated the Board has been discussing recreational marijuana. He said they have been working every meeting on this By-Law and believe they are working off the draft dated, September 18, 2018.

Mr. Hayward said this is not the same product from street with adult use.

Rene Fleuret stated that the regulations are very restrictive.

Wayne Hayward stated that they need to limit special permit. Limit to same number marijuana establishments Limit each use to one. We can't restrict it but limit it. Can we limit medical Marijuana?

Gloria McPherson expressed that she was not sure if that was allowed. That she will follow up with Town Counsel.

Wayne Hayward emphasize that they weren't banning, but they were capping at one.

John Farrell then asked if they could deliberate on section "E".

Mr. Hayward then answered the question of why they limit "E"? was setbacks. We then took out not two but three retail licenses. 93 acres of Marijuana and 1.2% were available. This was overly restricted, that's why we must limit. Realistically it cannot be done with 93 acres. All we can do is approach zoning Bylaw. This is relation to section "E".

Mr. Farrell agreed with assessment.

Resident, Gary Lavallette wondered why suddenly, we have a mass amounts of businesses, and that residents don't want anything to do with pot shops. The pot shops can be potential Liabilities. Not enough info on liability. Mr. Lavallette emphasized his issue with the retail aspect of it.

Wayne Hayward explained that advertising is acceptable but no product in windows or having products visible to the public at all. Signs about Marijuana is not considered advertising.

Mr. Hayward continued his explanation by stating they are allowed signed space. 16 sq. feet from establishment and no off-premise signs. According to Massachusetts state law a business cannot have any Marijuana plants in the window.

Also, Mr. Hayward emphasized they did not want to overly promote it.

Kathy Delany, then asked the board to explain what the Marijuana advisory committee was and when were the times of the meeting as well as location and who were the members.

Cathy Melanson replies to Mrs. Delany's question by stating she was in fact a member of this committee and that the members meet once a month however, they don't publicize it or record minutes for the committee. The members are appointed by the selectmen. We do not make or regulate policy we just combine everything.

Doug Brady. Asked the planning board, when does that final draft have to be ready for the warrant? Oct 9 bylaws for planning board.

Wayne Hayward explained that One restriction on board. We go into public herring with bylaw we are proposing. That's the last place you want to make changes to bylaws. Last min changes. Oct 9 probably take vote on if we take out those docs or move the doc.

Cathy Melanson stated that the selectmen closed the warrant of October 22

Bernie Roderick asked the board if they were still going forth with regulations?

Wayne Hayward then emphasized the fact that is what Mansfield did, and they adopted the articles.

Gary Lavallette, asked the board if they voted to have six-month delay period? And if there was any reason why they felt the need to add six months?

Mr. Hayward replied, just in case bylaw failed.

Doug Brady, if the moratorium does pass, why not hold back bylaws for town meeting? Is It buying time you need to prevent from it being wide open and lawsuits?

Mr. Hayward replied, Bylaw/ mortarium passed at town meeting. There is sufficient time to do all that. That was never an issue.

John Farrell then responded to Mr. Brady, if this bylaw is defeated by town meeting, we are wide-open. This is insurance with moratorium.

Doug Brady stated that the board needs to protect the town as much as possible.

Cathy Melanson expressed that they can always amend it.

Doug Brady asked the board if moratorium does not pass, if they had a backup plan?

Wayne Hayward specified that Mansfield was the test case and he did speak to the town of Mansfield, Planning board had limited function in zoning bylaw

The next article was then passed. To not get confused with 2-year moratorium, that prevent same stuff from coming back 94 G. If we propose and fail, they must wait two yrs.

Cathy Melanson explained that it will be posted on the Town website under news.

Gary Lavallette showed concern that, the ability for the average person to gather this information was difficult.

Wayne Hayward, the town will have one option and one option only.

Mrs. McPherson said that the article is written and then then petitioned. She stated that it wasn't a Planning Board article, but the Planning Board has to hold a hearing and make a recommendation to Town meeting for all zoning and land-use related articles.

Gloria McPherson then expressed that it is the selectmen that review it and refer it to the planning board for public hearing.

Wayne Hayward asked if there was anything else that needed to be addressed?

Gloria McPherson then identified that Benoit square was the next thing that needed to be addressed on the agenda, and that she was working with SRPEDD on a scope that would leverage her time with the 20 hours of SRPEDD time so we can have a zoning article, to rezone to Mixed Use Business, hopefully with performance standards, for Spring Town Meeting.

Wayne Hayward stated that it was a Municipal agreement and it was Best use of 20 hours
Meeting adjourned at 9:36 P.M.