



TOWN OF FAIRHAVEN, MASSACHUSETTS

PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

I, Elisabeth E. Horan, Interim Town Clerk of the Town of Fairhaven, hereby certify pursuant to MGL Ch. 40A § 9 that the decision of the Fairhaven Planning Board was filed in the Office of the Town Clerk on _____ and that twenty (20) days have elapsed after the decision has been filed.

I further certify that:

NO APPEAL pursuant to Ch. 40A § 17 has been filed with the Fairhaven Town Clerk.

AN APPEAL has been filed in the _____ Court, case number _____ Entitled _____ vs _____

Town Clerk/Registry of Deeds

FAIRHAVEN TOWN CLERK
ROUD 2024 APR 17 PM12:07

ATTEST: _____ **Date:** _____
Elisabeth E. Horan, Interim Town Clerk

The Fairhaven Planning Board as required by Massachusetts General Laws Chapter 40A Section 9 and Town of Fairhaven Zoning By-Laws Section 198-29 requiring Special Permit Review scheduled a Public Hearing on November 28, 2023 and continued to January 9, February 13, February 27, March 26, 2024, and April 9, 2024 when the special permit application was closed with deliberation and decision and voted on.

PETITIONER/OWNER: Carricorp Industries, LTD
275 Martine Street, Suite 110
Fall River, MA 02724

ENGINEERS: Zenith Consulting Engineers, LLC
3 Main Street
Lakeville, MA 02347

LOCATION: Bridge Street
Map 30A, Lots 87 & 87A
Fairhaven, MA 02719
Book: 13503 Page: 338

PETITION: Develop a vacant parcel into a 5,850 sf commercial building with 34 parking spaces. The request requires one special permit:
1. 198-29.A.(1): New construction that would require a total of five or more parking spaces counting existing and new demand.

PLANS: The applicant submitted drawings, plans, details, sections and illustrations in support of their application for a Special Permit as detailed below:

- Plan titled “Site Plan, Map 30A, Lots 87 & 87A, Bridge Street, Fairhaven, Massachusetts,” dated April 9, 2024, prepared by Zenith Consulting Engineers, LLC consisting of the following sheets:
 - Sheet C: Cover Sheet, Date: 4.9.2024
 - Sheet X: Existing Conditions: Date: 4.9.2024
 - Sheet L: Layout Plan: Date: 4.9.2024
 - Sheet G: Grading & Drainage Plan: Date: 4.9.2024
 - Sheet U: Utility Plan: Date: 4.9.2024
 - Sheet V: Landscaping Plan: Date: 4.9.2024
 - Sheet E1: Erosion Control Plan: Date: 4.9.2024
 - Sheet E2: Erosion Control Plan: Date: 4.9.2024
 - Sheet D1: Site Details: Date: 4.9.2024
 - Sheet D2: Site Details: Date: 4.9.2024
 - Sheet D3: Site Details: Date: 4.9.2024
- Special Permit Application Package stamped October 17, 2023.
- Stormwater Management Report dated April 9, 2024
- March 14, 2024 Response to peer review letter
- March 21, 2024 Response to Town comments letter
- April 9, 2024 Response to peer review letter
- Traffic Impact Study, prepared by Bowman Consulting Group, dated signed February 7, 2024

OTHER EXHIBITS:

- Minutes of the Fairhaven Planning Board Meetings on the following dates: November 28, 2023, March 26, 2024, and April 9, 2024
- Staff Report dated November 22, 2023.
- Town comments to consultant, dated November 9, 2023
- Traffic peer review by GCG Associates dated February 20, 2024
- Stormwater peer reviews by GCG Associates dated February 20, 2024 and April 8, 2024
- Fairhaven TV recording of the Planning Board public hearings on November 28, 2023, March 26, 2024, and April 9, 2024
- Public comments

FINDINGS OF FACT:

The Planning Board finds, based on the information submitted and testimony from the public hearing, that:

1. The overall site is owned by 240B LLC and is currently a vacant site.
2. The applicant is proposing to construct a 5,850 sf commercial building with 34 parking spaces.
3. No members of the public spoke about the proposal during the public hearings.

Subject to these findings and the conditions set forth herein the Planning Board finds that the project as proposed in the Plan Set submitted as part of the application will be consistent with the general

purposes and intent of the Fairhaven Zoning Bylaw and that the grant of the special permit is in the public interest and will preserve community values because, among other reasons:

Section 198-29.D(1)

- (a) The design assures safety with respect to internal circulation and egress of traffic and will not cause congestion, hazard or substantial change in established neighborhood character.
- (b) The design provides adequate access for fire and service equipment. The design provides adequate utility services and drainage facilities consistent with the Fairhaven Zoning Bylaws or as granted.
- (c) The intent of the performance standards of Section 198-24 (Noise, Litter and Smoke Standards) will be met.
- (d) The proposed use will not adversely affect the continued operation or development of adjacent uses; and
- (e) The proposed use will not create a nuisance or hazard.

Conditions:

1. After the 20-day appeal period and if no appeal is filed, a certified copy of the Special Permit Decision from the Town Clerks Office shall be recorded by the applicant/owner at the applicant/owner's expense in the Registry of Deeds, indexed in the grantor index under the name of record owner and noted on the owner's certificate of title. The applicant/owner shall submit to the Planning Department proof of such recording.
2. Special Permit approval shall be void after two years from the date of approval unless a substantial use thereof or construction has begun.
3. All site development including grading, drainage and landscaping shall be carried out in accordance with the approved plan set noted above titled "Site Plan, Map 30A, Lots 87 & 87A, Bridge Street, Fairhaven, Massachusetts", dated April 9, 2024, prepared by Zenith Consulting Engineers, LLC.
4. Except as expressly allowed by this special permit, or by any other lawfully granted special permit, the applicant shall comply with all other applicable laws, including, but not limited to, the procedural, dimensional and use provisions of the zoning by-law and permits required by Building, Fire, and Health regulations.
5. Prior to the start of site construction, the applicant shall submit site and utility construction plans for approval and schedule a pre-construction conference with the Building Commissioner.
6. The applicant shall be responsible to repair and/or replace, with in kind material, any damaged, broken or missing sidewalk or curbing along all street and way frontages abutting the property that occurs during construction.
7. The applicant shall have the building inspected by the Building Commissioner and apply for any and all necessary Building Permits. Building permits must be secured prior to construction.
8. The applicant must receive approval of the Notice of Intent filed in relation to this project - SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A - from the Conservation

Commission prior to the start of site construction.

Waivers:

1. The Planning Board hereby approves a waiver to Chapter 198-31.1-C.2.g.6 – Basin side slopes must be four horizontal to one vertical grade. The Board finds that using the existing three horizontal to one vertical grade meets the Massachusetts Stormwater Handbook and Stormwater Standards requirements.
2. The Planning Board hereby approves a waiver to Chapter 198-31.1-C.2.k.1.d – Sediment forebay must be 4 feet deep. The Board finds that the proposed one and a half foot deep forebay should not cause any adverse impact to the pretreatment function with the associated long-term operation and maintenance plan.
3. The Planning Board hereby approves a waiver to Chapter 198-31.1-C.2.n.6 - Storm drains shall be of at least 12 inches diameter inside, with at least 24 inches of cover. The Board finds that use of one 8 inches diameter HDPE pipe and two 10 inches diameter HDPE pipes will have sufficient capacity to handle a 100-year storm event flow. The Board also finds that the proposed minimum 18 inches of cover over the ADS N-12 pipe meets the manufacturer standards. The applicant will be responsible for the backfill material and compaction requirements meeting the manufacturer’s standards.
4. The Planning Board hereby approves a waiver to Chapter 198-31.1-C.3.B - No underground infiltration practices, such as leaching catch basins, shall be allowed. The Board finds the proposed deep-sump catch basins provide adequate pre-treatment prior to proposed chamber field.

ACTIONS:

Motion to approve Special Permit SP 2023-09 made by Ruy daSilva, and second by Kevin Grant to approve the proposed 5,850 sf commercial building with 34 parking spaces under Zoning Bylaw Section 198-29.A.(1) Special permits for certain intensive nonresidential and multifamily site developments.

Petition GRANTED to approve the Special Permit by 7 members in favor; 0 opposed; 0 not present.

<i>Member</i>	<i>YES</i>	<i>NO</i>	<i>ABSTAIN</i>	<i>NOT PRESENT</i>
<i>Cathy Melanson, Chair</i>	✓			
<i>Patrick Carr, Vice Chair</i>	✓			
<i>Sharon Simmons, Clerk</i>	✓			
<i>Jessica Fidalgo</i>	✓			
<i>Ruy daSilva</i>	✓			
<i>Kevin Grant</i>	✓			
<i>Diane Tomassetti</i>	✓			

A copy of this Decision will be filed with the Town Clerk of Fairhaven and the Fairhaven Building Commissioner. Within twenty (20) days of filing, any person aggrieved by the above Decision may appeal in accordance with Section 17 of Chapter 40A of Massachusetts General Laws.

A handwritten signature in cursive script, reading "Cathy Melanson", is written over a horizontal line.

Cathy Melanson, Chair
Fairhaven Planning Board