



Fairhaven Planning Board

Town Hall • 40 Center Street • Fairhaven, MA 02719

Telephone (508) 979-4082 • FAX (508)-979-4087

AGENDA

MEETING OF Tuesday, April 22, 2014

Town Hall Banquet Room

6:30 P.M.

I. ADMINISTRATIVE BUSINESS:

Chairman – Welcome and Media Notification

Quorum/Attendance

Board Elections:

- Chairman
- Vice Chairman
- Clerk
- SRPEDD Commissioner

Acceptance of Minutes: February 25, 2014

Planning Board Bills:

1. ADS - FNNews – Flood Plain Bylaw - \$90.00

II. CURRENT PLANNING:

Receipt of Plans:

None

Approval of Plans:

None

III. PUBLIC HEARINGS and MEETINGS:

1. Def Subdivision – **Mary Vander Pol** – Earle Street – (con't from 02/25/14)
2. Unaccepted Street Discontinuance -NSTAR – Charles and Laura Streets
3. Preliminary Subdivision – George & Sharon Mendonca – Fredrick Ave – Map 29-A, Lot 168 & 169

IV. LONG RANGE PLANNING:

1. Zoning Reform Bill
2. Master Plan Discussion

V. CORRESPONDENCE:

1. SRPEDD Annual Meeting – May 28, 2014
2. 31 Charity Stevens Lane – CH. 61A – Right of First Refusal – Map 40, Lot 15
3. 237 New Boston Road - CH. 61A – Right of First Refusal – Map 35, Lot 1
4. 211 Mill Road - CH. 61A – Right of First Refusal – Map 38, Lot 14

VI. OTHER BUSINESS:


1. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.



Fairhaven Planning Board

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4082 • FAX (508)-979-4087

Memorandum

Date: April 16, 2014
To: Planning Board
From: William D. Roth, Jr., AICP 
Planning and Economic Development Director
RE: Frederick Avenue – Preliminary Subdivision
Map 29A, Lots 168 and 169

A preliminary subdivision application and been submitted for the above referenced lots. The applicant owns two lots totaling 10,000 SF with 100 feet of frontage. The applicant and their Engineer would like to discuss with the Planning Board a street standard so as to provide adequate access to the lots. The applicant feels that the lots together, totaling 10,000 SF, are grandfathered buildable lot; however, the Building Commissioner has determined that they are not, see attached memo. Staff feels that before a formal subdivision is submitted, the applicant should resolve this issue.

The plan submitted proposes to provide a 16-foot wide Triple Stone Seal roadway. The Engineer has identified the following waivers needed to construct the road as proposed.

Section 322-16.B: To not provide a hammerhead turnaround.

The proposed road is approximately 250-feet in length and is proposed to serve one house. The Fire Department has reviewed the project and has approved the plan for site plan only and did not request a turn around. Staff agrees with the Fire Department that a turnaround in this particular circumstance is not needed.

Section 322-17: To not provide Sidewalks.

Staff sees no need, in this particular instance, to provide sidewalks for such a short road that would provide access one proposed house. Sidewalks are more appropriate where there are multiple houses and pedestrian circulation would occur or should be encouraged.

Section 322-25: To not provide Street Trees

Staff sees no need, in this particular instance, to provide street trees for such a short road that would provide access one proposed house.

Section 322-27.A: To no provide a watermain and fire hydrant

The Engineer has indicated that the Board of Public Works (BPW) has agreed to allow a 1-inch copper "K" water service for one single family residence. The BPW comment letter has no comments with regards to water. In addition, the Fire Department has reviewed the project and has approved the plan for site plan only and did not request a fire hydrant.

Section 322-30.D: To provide a Triple Stone Seal roadway.

Staff sees no need, in this particular instance, to provide a fully paved road so as to provide access to one house. The proposed road would be more than adequate to provide access.

Section 322-32: To not provide curbing

Staff sees no need, in this particular instance, to provide curbing. The design actually works better for drainage and water quality because it relies on the use of grassy swales on both sides of the road to control stormwater runoff.

Section 322-33.A: To not provide cement concrete driveway approach.

If the Triple Stone Seal roadway is approved, Staff sees no need, in this particular instance, to require a cement concrete driveway apron.

Fire Department, Chief Tim Francis:

The Fire Department has reviewed the plans and has approved them for site plan only.

Police Department, Chief Michael Myers:

As of the date of this report, the Police Department has not commented.

Board of Health, Pat Fowle:

The Board of Health has reviewed the plans and has no comments.

Board of Public Works, Vincent Furtado:

Memo dated 4-10-2014 is attached.

Building Department/ Conservation Commission, Wayne Fostin:

Memo dated 4-8-2014 is attached.

Assessor's Office, Delfino Garcia:

The Assessor's Office has reviewed the plans and has no comments.

Town Collector, Carol Brandolini:

The Collector has indicated that all taxes are paid.

Director of Finance/Treasurer, Wendy Graves:

The Director of Finance/Treasurer has indicated that the property is not in tax title.

Exhibit List:

- Exhibit #1. Applicant's Application Package
- Exhibit #2: Building/Con. Com. 4-8-14 Memo
- Exhibit #3: BPW 4-10-2014 Memo



EXHIBIT #/

Town Clerks Stamp
RECEIVED
TOWN CLERK
2014 MAR 31 A 11: 33
FAIRHAVEN, MASS.

FAIRHAVEN PLANNING BOARD
FORM B
Application for
Preliminary Subdivision Plan

Fairhaven, Massachusetts Date: March 3, 2014

The undersigned, herewith submits the accompanying Preliminary Plan of property located in the Town of Fairhaven for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Fairhaven.

Name of Applicant(s): George R. & Sharon C. Mendonca

Applicant(s) Address: 160 Walnut Plain Road, Rochester, MA 02770

Phone Number: 508-763-4293 Fax Number:

Name of Owner(s): Same as applicant.

Owner(s) Address:

Name of Engineer/Surveyor: Alan Ewing Engineering, Inc.

Engineer/ Surveyor Address: 261 New Boston Road, Fairhaven, MA 02719

Phone Number: 508-997-9311 Fax Number: 508-997-9311

Deed of Property recorded in Bristol County (S.D.) Registry of Deeds. Book: 2013 Page: 343

Location of Site: On Frederick Avenue, 194' west of Scoticut Neck Road

Assessors' Plat(s): 29-A Lot No(s): 168 & 169

Number of Proposed New Lots: 1 (Combined two exist)

- Please attach a detailed narrative and any other documentation that supports your request.

Applicant Signature: [Signature] Owner Signature:

File one completed form with the Planning Board and one copy with the Town Clerk.

RECEIVED

MAR 31 2014

Rev. 7/07

Phone 508-997-9311
Fax 508-997-9311

Feb. 21, 2014

Fairhaven Planning Board
Town Hall
Fairhaven, MA 02719

**Re: George R. & Sharon C. Mendonca
Frederick Avenue, Fairhaven
Plat #29-A, Lots #168-169.
Form "B" Subdivision**

Dear Board Members,

This office has prepared a subdivision for the above referenced property. The property currently is vegetated with brush and briars. The proposal is to construct a paved road to the existing lot using the existing 40' wide layout of Frederick Avenue. Install drainage ditches, then construct one single family home with paved driveway, sewer and water services, lawn and landscaping.

This parcel has been under the same ownership since March 6, 1987. The streets and lots were created in 1925. See Plan Book 19 Page 77 recorded in the Bristol County Registry of Deeds South District.

The purpose of this application is to seek permission to make the necessary road improvements to the paper street which will provide the access to the property.

This office believes that this proposal meets the criteria for a subdivision because a proper width paved road is proposed along with storm drainage which provides safe and adequate access to the property. In addition, a single family dwelling can be built meeting the current building setbacks from the street and property lines.

Sincerely, 
Alan Ewing, P.E.

Feb. 21, 2014

Page 1 of 3.

Fairhaven Planning Board
Town Hall
Fairhaven, MA 02719

**Re: George R. & Sharon C. Mendonca
Frederick Avenue, Fairhaven
Plat #29-A, Lots #168-169.
Form "B" Subdivision
Requested Waivers.**

Dear Board Members,

This office is requesting the following waivers for the above referenced one lot subdivision which has been submitted for the improvement of a paper street.

Under Part 6 - Procedures for submission of definitive plans.

- 1). **Section 322-14.D.** Waiver of additional subdivision submittal requirements.

This is a one lot subdivision. The street will be maintained as a private way. No environmental impact analysis or development impact statement is applicable.

Under Part 7. Design Standards.

- 2). **Section 322-16.B.** Street design standards Table A. Waiver of hammerhead requirement that no part may be used for a driveway to the lot or for parking of vehicles.

There is no available room to place a standard hammerhead because any available land is owned by others and it would encroach on wetlands at the intersection of Torrington Avenue. Vehicles may turn into the driveway and back

around into the street. The house has been placed 32' back from the layout which will provide 43' from the proposed edge of pavement to the house which will provide adequate room for this activity.

3). Section 322-17. Waiver of sidewalks:

This is a one lot subdivision. No other traffic will normally use this street. Walking will be on the 18' wide pavement. Sconticut Neck Road does not have a sidewalk to match too.

4). Section 322-25. Waiver of street trees.

The pavement and drainage swale use most of the 40' layout. If any existing trees can be saved along the edges, they will be preserved.

5). Section 322-26. Waiver of stormwater management.

This one lot subdivision is gaining access to the property from an existing paper street. The drainage ditches with check dams will provide adequate control of stormwater runoff and this area is located in a coastal flood zone where detention ponds would not work. Stormwater Mangement does not apply to projects with four or fewer single family lots that do not affect any critical area.

6). Section 322-27.A. Waiver of watermain and hydrants.

The Board of Public Works has agreed to allow a 1" copper "K" water service for one single family residence.

Under Part 8. Required improvements for approved subdivision.

7). Section 322-30.D. Waiver of Class I bituminous concrete paving.


To allow the finished road surface to be Triple Stone Seal per Section 322-30.E. in accordance with the street design drawings in Appendix C. This will reduce the cost of the road construction and still provide an adequate access for the one lot subdivision.

8). Section 322-32. Waiver of curbing & cape cod berm.

This design has the pavement crowned and sloping side to side. This provides sheet flow into the drainage ditches. Curbing or berms would impede the sheet flow of runoff into the ditches.

9). Section 322-33.A. Waiver of driveway approach areas from the edge of the roadway to the edge of the right of way shall be cement concrete.

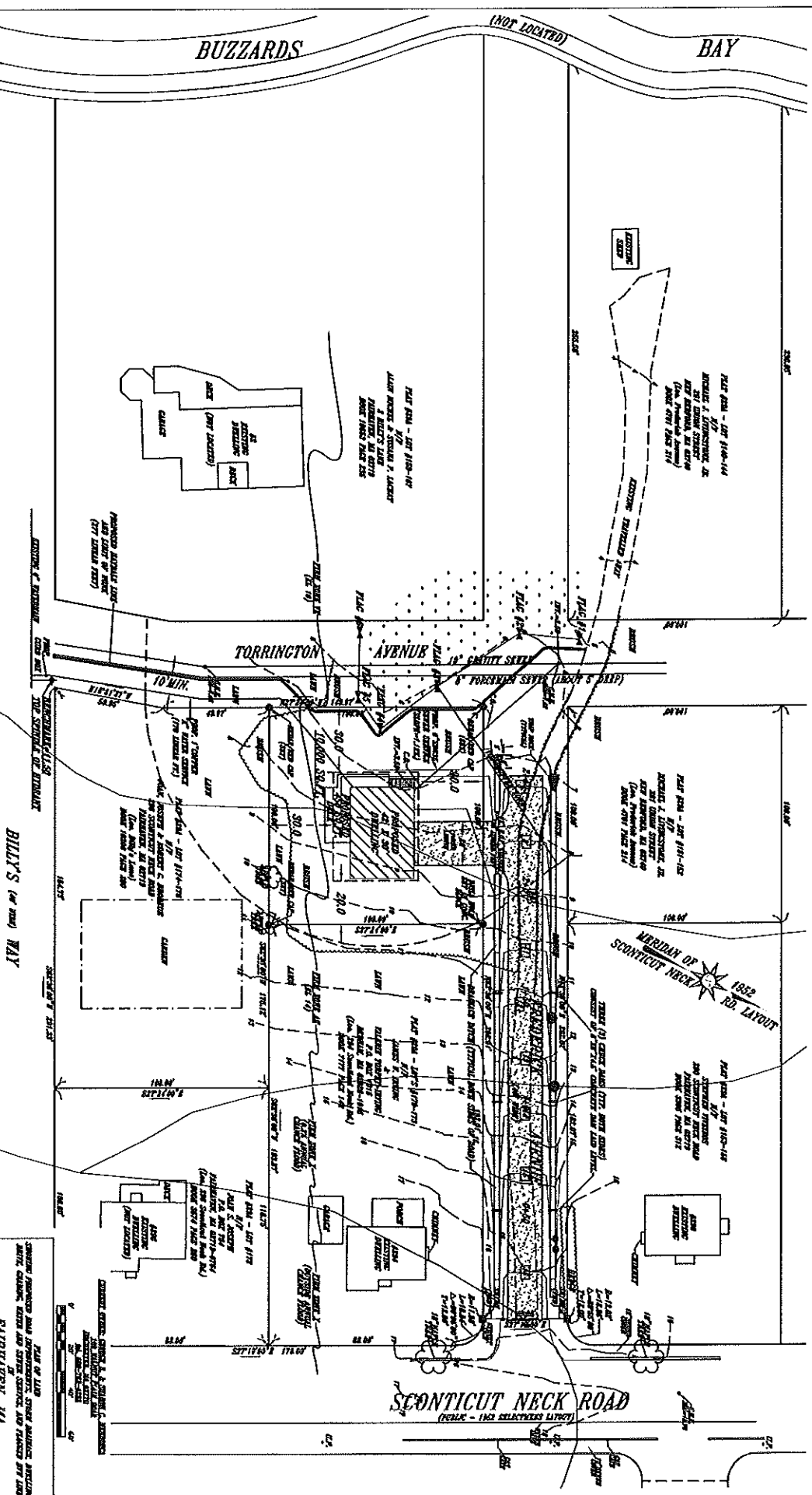
This would make sense if this connected to a sidewalk, but we have asked for a waiver of sidewalks because its a roadway for one house.

Sincerely, 
Alan Ewing, P.E.

BUZZARDS BAY (NOT LOCATED)

THESE NOTES - 28 - ARE INTENT TO BE READ IN CONNECTION WITH THE PLANS AND SPECIFICATIONS FOR THE PROPOSED RECONSTRUCTION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF THE NEW BUILDING. THE PROPOSED RECONSTRUCTION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF THE NEW BUILDING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE BUILDING CODE. THE PROPOSED RECONSTRUCTION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF THE NEW BUILDING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE BUILDING CODE. THE PROPOSED RECONSTRUCTION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF THE NEW BUILDING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE BUILDING CODE.

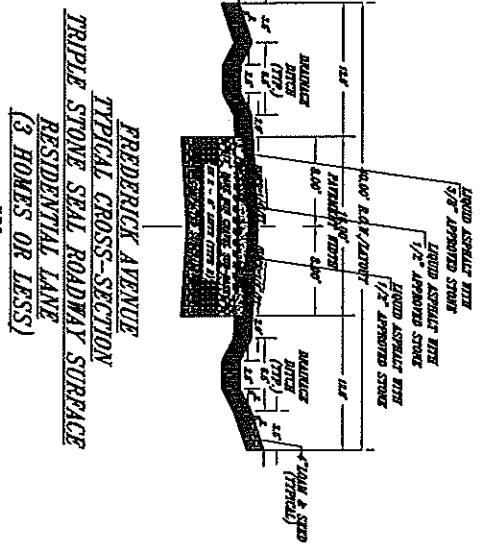
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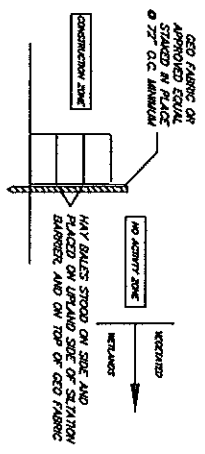
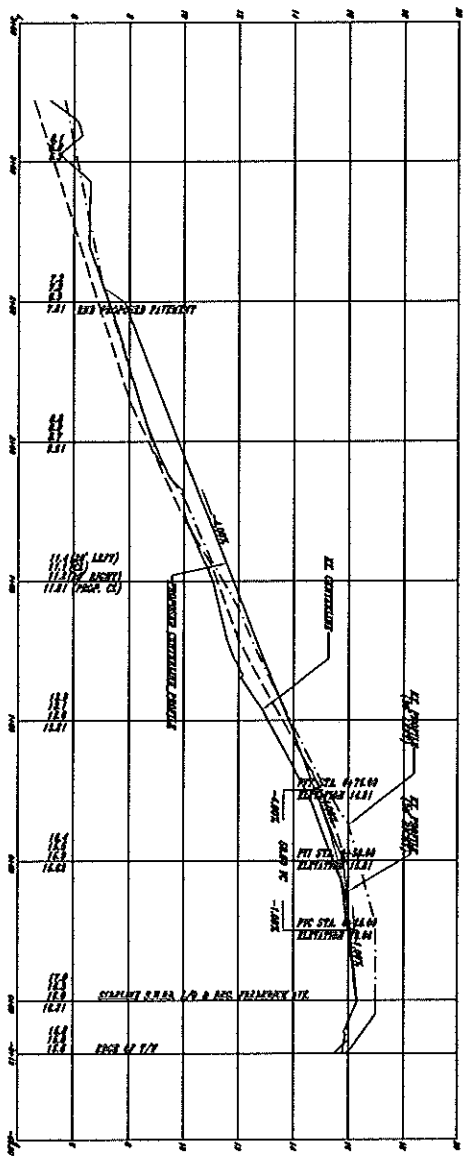
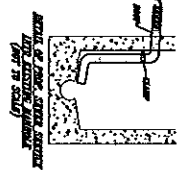
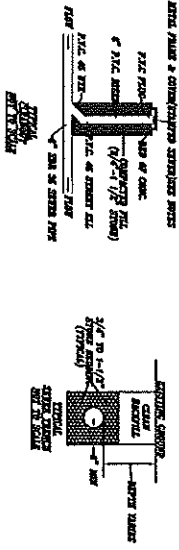
PREPARED FOR
GEORGE R. & SHARON C. MENDONCA
 1000 WEST MAIN STREET
 WESTPORT, MA 01891
 PHONE: (508) 837-8111

DESIGNED BY
PARRAVAN, MA
 1000 WEST MAIN STREET
 WESTPORT, MA 01891
 PHONE: (508) 837-8111

DATE OF THIS SHEET: 08/11/11
 SHEET 1 OF 2



NOTE: ALL ROAD SURFACES MUST CONFORM TO THE FOLLOWING MINIMUM STANDARDS
 1. ALL ROAD SURFACES MUST BE PROPERLY GRADED AND FINISHED TO PREVENT
 2. ALL ROAD SURFACES MUST BE PROPERLY GRADED AND FINISHED TO PREVENT
 3. ALL ROAD SURFACES MUST BE PROPERLY GRADED AND FINISHED TO PREVENT



TEMPORARY SILTATION BARRIER NOTES:
 1. TEMPORARY SILTATION BARRIER SHALL BE INSTALLED PRIOR TO THE START OF ANY
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 5. TEMPORARY SILTATION BARRIER SHALL BE INSTALLED PRIOR TO THE START OF ANY

DATE OF PLAN: 10/10/11
 DRAWN BY: GEORGE R. & SHARON C. MENDONCA
 CHECKED BY: GEORGE R. & SHARON C. MENDONCA
 APPROVED BY: GEORGE R. & SHARON C. MENDONCA
 GEORGE R. & SHARON C. MENDONCA
 1000 W. 10TH ST. SUITE 100
 WASHINGTON, DC 20004
 TEL: (202) 462-1111
 FAX: (202) 462-1112



Wayne Fostin
Building Commissioner

Town of Fairhaven
Massachusetts
OFFICE OF THE
BUILDING DEPARTMENT

TOWN HALL
40 Center Street
Tel. (508) 979-4019
FAX: 979-4079

EXHIBIT # 2

April 08, 2014

William D. Roth Jr.
Director Planning
40 Center Street
Fairhaven, Ma. 02719

RE: Preliminary Subdivision

Dear Sir

After review of the above mention plan and researching the lots in question these lots are not grandfathered. The lots were obtained in March of 1987. The Zoning for that area was changed from 10,000 to 15,000 in 1969 so at the time of the applicant obtaining the lots they did not meet zoning and had no exception on them. (see attached deed) Therefore they would have to file with the Zoning Board of Appeals for a frontage variance of 40' and a square footage variance of 20,000 square feet in order to construct anything on lot and would also have to file with the Fairhaven Conservation Commission for construction within 100' of BVW and within a VE flood zone If you have any question on this matter please contact me.

Yours truly

Wayne Fostin

*Town of Fairhaven
Board of Public Works*

*5 Arsene Street
Fairhaven, Massachusetts 02719
TEL. 508-979-4030
FAX. 508-979-4086
bpw@fairhaven-ma.gov*

EXHIBIT # 3



Vincent D. Furtado

To: William D. Roth, Jr., AICP
From: Vincent D. Furtado, BPW Superintendent
Date: April 10, 2014
Re: Frederick Avenue - Preliminary Subdivision

The Board of Public Works has the following comment regarding the Preliminary Subdivision for Frederick Avenue.

Highway: 16' foot wide Triple Stone Seal would be acceptable.
Road to remain private.
It will not be maintained by the Town and will not be plowed.

Sewer: no comments at this time

Water: no comments at this time

RECEIVED

RECEIVED

APR 14 2014

FAIRHAVEN PLANNING &
ECONOMIC DEVELOPMENT
DEPARTMENT

APR 14 2014
FAIRHAVEN PLANNING &
ECONOMIC DEVELOPMENT
DEPARTMENT