

MOSES SMITH MARKEY & WALSH
ATTORNEYS AT LAW

KIMBERLY MOSES SMITH*
JOHN A. MARKEY**
TIMOTHY P. WALSH

Admitted in RI*CT*FL*

OF COUNSEL
HON. RICHARD T. MOSES
Ret. – Superior Court
HON. JOHN A. MARKEY
Ret. – District Court
ROGER STANFORD
IRENE B. SCHALL*

May 29, 2020

Fairhaven Planning Board
c/o Mr. Paul Foley, Town Planner
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: Crow's Island – Crow Island Realty Trust – Zoning Change Request: Map 44, Lot 1

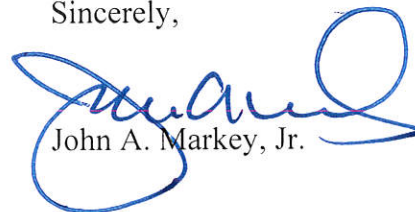
Dear Mr. Foley and Members of the Planning Board:

Enclosed please find the following:

1. Rezoning Application with detailed narrative attached;
2. Ten copies of plan;
3. Legal description; and
4. Letter from Town of Fairhaven indicating there are no abutters.

Should you have any questions, please feel free to contact me.

Sincerely,



John A. Markey, Jr.

JAM/mc
Enclosures



Town of Fairhaven Planning Board

Town Hall

40 Center Street Fairhaven, MA 02719

508-979-4082

REZONING APPLICATION

Date: May 29, 2020

The undersigned petitions the PLANNING BOARD FOR A REZONING in the manner and for the reasons herein after set forth, the application of the provisions of MGL c. 39, § 10 and MGL c. 40A, § 5:

Name of Applicant(s): New Bedford, Inc.

Applicant(s) Address: 72 North Water Street, New Bedford, MA 02740

Phone Number: (508) 999-7262 Fax Number: _____

Name of Owner(s): New Bedford, Inc.

Owner(s) Address: 72 North Water Street, New Bedford, MA 02740

1. Location of Site: 1 Crow Island

2. Assessors' Plat(s): 44 Lot No(s): 1

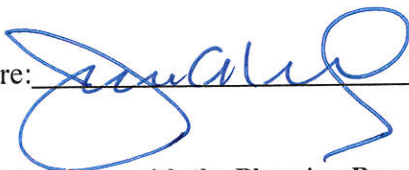
3. Dimensions, Frontage: _____ Depth: _____ Area: 2.289 acres


4. Zoning District in which Site is located: Residential

5. Proposed Zoning: Multi-Use Business

6. State present use of site: Residential

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

Applicant Signature: 

Owner Signature: 

File one completed form with the Planning Board and one copy with the Board of Selectmen's Office

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c/o Mr. Paul Foley, Town Planner
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40 Center Street
Fairhaven, MA 02719

Re: Crow's Island – Crow Island Realty Trust – Zoning Change Request: Map 44, Lot 1

Dear Mr. Foley and Members of the Planning Board:

As you know from our meeting last Fall, this office represents New Bedford, Inc. the owner of Crow Island (formerly held by Crow Island Realty Trust) located in the Fairhaven – New Bedford Harbor. As you were informed at the last meeting, the prior owner used the island exclusively as a residence and the island was zoned residential. By this filing and a companion filing with the Select Board, my client respectfully requests that the Planning Board vote favorably upon the request that the island be re-zoned to Multi-Use Business to allow for commercial and business activity to take place on the island.

An updated site plan which depicts my client's conceptual plan for the island is enclosed. In general, my client would like to utilize the island to host corporate outings, weddings, and other special events. Initially, the events would be hosted under a large tent in the middle of the island, as depicted on the site plan. The tent would be put up prior to events and taken down after events. In order to make this interior portion of the island level and ADA accessible, soil may be moved and some clean fill may be added to a non-wetland area of the island. Before any such work is undertaken, the Conservation Commission would be consulted. Ultimately, the site work would raise and level the interior portion of the island making it accessible to all and more suitable for the intended use. There would also be an optional second, smaller tent put up prior to and removed after some events. This tent would generally serve as a service tent or caterer's tent.

When the island is rented for special events, my client would hire (or have the guests hire) a licensed and insured catering company to provide food and beverages for the events. Anticipating that there may be questions and concerns about noise and/or entertainment at these events, my client's plans are that there would likely be some musical entertainment for events like weddings. We expect that this will have a minimal impact on any residents based upon the location of the island and the substantial distance to residential neighborhoods.

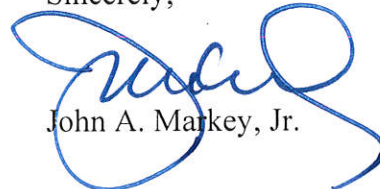
With that said, my client will monitor the situation to ensure that the music is played inside the tent with the volume at an appropriate level, so as to not disrupt residents. My client anticipates developing and maintaining a positive working relationship with the Town of Fairhaven and the Fairhaven Police Department to timely address any issues that may arise.

In order to maintain a sanitary and safe way to provide for bathroom facilities, my client is presently in the process of working with the Town of Fairhaven Conservation Commission and the Department of Public Works to develop a plan to install a sewer line that would run to the island and connect at the town's sewer line. After the installation of the sewer line, the petitioner would explore placing seasonal bathrooms on to the island. These would provide a safe and sanitary bathroom environment for guests as well and reduce the risk of contamination that comes with traditional port-a-johns or an on-site septic system.

My client anticipates that the guests to the events would typically reach the island via a launch service that he owns and operates from Pier 3 in New Bedford. My client has an agreement with the City of New Bedford for parking in an area near the paunch site. The guests would utilize the dock located on the island to exit the launch and to access the Island from the launch.

My client would be happy to answer any questions you may have regarding the proposal at the time of the Public Hearing which we understand will take place sometime this summer. Thanks in advance for your thoughtful consideration of this request.

Sincerely,



John A. Markey, Jr.

JAM/mc

Legal Description- 1 Crow Island

The land in Fairhaven, Bristol County, Commonwealth of Massachusetts, known as Crow Island, with any buildings or improvements thereon, bounded and described as follows:

A certain island with all buildings and structures hereon, lying and being within the limits of the Town of Fairhaven in the County of Bristol and Commonwealth of Massachusetts, and extending by the flats thereon surrounding to the channel of one Acushnet River in which said island lies, and being that island known as Crow Island, with all the rights in and to said flats to the channel of said river provided by the statutes of said Commonwealth and thereby granted to the owner of said island.



Ronnie J. Manzone, Chair
Pamela K. Davis, MAA, Member
Ellis B. Withington, Member

Town of Fairhaven
Massachusetts
BOARD OF ASSESSORS
40 Center Street
Fairhaven, MA 02719

Delfino R. Garcia, Principal Assessor
Notary Public
Phone: (508) 979-4023 EX 112
Facsimile: (508) 979-4079
Email: dgarcia@fairhaven-ma.gov

September 16, 2019

Re: 1 Crow Island

This is to acknowledge your abutter form dated September 16th, 2019 requesting the abutters for Crow Island.

There are no abutters to the Island within 300`.

Respectfully,

Delfino R. Garcia
Principal Assessors
Notary Public