



## Fairhaven Planning & Economic Development 40 Center Street, Fairhaven, Massachusetts 02719

### Rezone: RZ 2020-02 - G. Bourne Knowles from RC to B Staff Report: October 7, 2020

#### 1. DESCRIPTION

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- 1.1 Applicant:** G. Bourne Knowles Co., Inc. and Leslie P. Knowles; Richard Burke (attorney)
- 1.2 Project Location:** 267-270 Huttleston Avenue, Map 31B Lots 302 (7.04 acres), 302A (0.8 acres) and 302C (14.27 acres). The three lots together total 22.12 acres.
- 1.3 Proposal:** To rezone the G. Bourne Knowles property located at 267-270 Huttleston Avenue from a Multifamily/Apartment zoned district (RC) to Business (B).
- 1.4 Zoning:** Originally, all three lots were single residence lots. Lot 302A, with the greenhouses, was rezoned to Business (B) in 1969. In 2006 the three lots (2 RA and 1 B) were rezoned to Multifamily/Apartment (RC). The current proposal is to rezone all three to Business (B).
- 1.5 Local Permits:** Rezone must be approved by 2/3 vote at Town Meeting.
- 1.6 Process:** Rezoning a property requires a public hearing before the Planning Board. After the public hearing, the PB shall submit a report to Town Meeting, which recommends adoption or rejection of the proposed rezone. Approval of the proposed rezone will then require a two-thirds (2/3) vote at Town Meeting. If approved by Town Meeting, a copy of the Rezone Article will be sent to the Attorney General's Office for validation.
- 1.7 Surrounding Land Uses:** To the North across the Route 6 is the Lifestyles commercial center and a car garage which are zoned Business. There are also Single Residences (RA) across Huttleston. To the South is the bike path and Rural Residence and Single Residence (RA). To the East is a single residence and the cemetery in the RA. To the West is a residential (RA) neighborhood.
- 1.8 Site:** The property is an active landscaping and tree service and former nursery. A large portion of 302A contains greenhouses and landscaping materials. Lot 302 has a deserted house built in 1944. Lot 302 C has some landscaping materials and parking with a considerable amount of wetlands. Nasketucket Creek is on the western edge of the site, the Phoenix Bike Path is on the south with wetlands on the east, south and west.
- 1.9 Project History:**  
1920: Assessors records list the buildings on the largest lot (302A) as being built. Greenhouses and other agricultural buildings. 1944: The house at 271 Huttleston (Lot 302) is built. 1969: Lot 302A was rezoned from Single Family to Business (B) in 1969. 2005: A proposal to rezone these 3 lots to RC was denied at the 2005 Annual Town Meeting. 2006: Lots 302 and 302C were Single Residential (RA) and Lot 302A was Business (B) and were rezoned to Multifamily (RC) in 2006. Additionally, a Voluntary Covenant restricting the size of any future multi-family units to a maximum of two bedroom dwelling units was part of the approval. 2007: The economy suffered a recession and the proposed condominiums were not built. Within a few years the Town erected windmills nearby which the Applicant feels also impacted the viability of the condominium project. The Applicant believes that a business zone is the best prospect.
- 1.10 Project Summary:**
- To rezone Lots 302, 302A and 302C on Assessor's Map 31B from Multifamily (RC) to Business (B). The location is 267 + 271 Huttleston Avenue and Lot 302C also has frontage on Weeden Road.
  - Lot 302A is 14.27 acres and includes the greenhouses and agricultural buildings.

## 2. ADMINISTRATIVE SUMMARY

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- 2.1 **Complete Filing Received:** September 18, 2020
- 2.2 **Advertisement:** September 24 and October 1, 2020
- 2.3 **Routing Sent:** October 7, 2020
- 2.4 **Public Hearing:** October 13, 2020

## 3. PLANNING CONCERNS

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### 3.1 Special Permit Issues

- §198-29(1): How does the proposal show Harmony with the general purpose and intent of the Special Permit chapter, and are the standards of Section 198-29(1) met by the use as designed:
- §198-29(1)(a): Does the design assure safety with respect to internal circulation and egress of traffic.
  - A. **The rezone does not have a specific plan attached to it. The Applicant has said he plans to have a marine oriented business and boatyard co-locate with his landscaping service. The boatyard will trigger Special Permit Review.**
- §198-29(1)(b): Does the design provide adequate access for fire and service equipment.
  - A. **The site has the ability to accommodate fire.**
- §198-29(1)(c): Does the design provide adequate utility services and drainage facilities consistent with the performance standards of the Subdivision Regulations of the Planning Board.<sup>9</sup>
  - A. **The site has utility service.**
- §198-29(1)(d): Does the Landscape design conform to § 198-27C of this chapter.
  - A. **No landscape design yet.**
- Other:
  - A. **The rezone appears intended to allow a boatyard. A boatyard is allowed by right in the Business and Industrial Districts and by Special Permit in the Mixed-Use district. A boatyard will likely trigger a Special Permit review under 198.29. Is rezoning the whole property for business the appropriate best use of the land?**
- Future:
  - A. **Rezoning the entire 22 acres to Business may not be the highest and best use. Lot 302 C in particular would seem better suited to Residential due to its abutting so many residential properties and frontage on Weeden Road. The property may be better suited to Mixed-use than Business.**
- Traffic:
  - A. **With no specific plan or proposal to review it is difficult to say how best to address traffic mitigation. Route 6 is very busy at this location (15,688/day) and a project needing Special Permit review will require a close look at trip generation, access and circulation.**
- Comments from other Town Departments: Routing was sent out late and will be updated by the Public Hearing.
  - A. Fire Department ( ):
  - B. Police Department ( ):
    - Police have some concerns with the potential for increased traffic in the area. Would a traffic light need to be installed? What kind of measures would be taken for traffic crossing to enter or exit the property. Also, what type of impact would there be near the bike path?
  - C. Public Works Department (Vinnie Furtado):
    - Highway Department (John Charbonneau): No issues at this time.
    - Sewer:

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<sup>9</sup> Editor's Note: See Ch. 322, Subdivision of Land

- Water:
- D. Finance/Treasurer/Collector, Wendy Graves:
- E. Assessor (Def Garcia):
- F. Conservation Agent (Whitney McClees):
- G. Board of Health:

### 3.2 Environment

- **Vegetation:** The site is largely cleared but a significant amount of trees and vegetation in the southeast corner of the property.
- **Habitat:** The site is not in an NHESP Priority Habitat
- **Bicycle/Pedestrian/Trails:** The site abuts the Phoenix Bike Path. Staff inquired with the owner whether they were willing to make Pierce’s Street, a private unaccepted street, definitively open to the public as a bike path connector. The Applicant said that due to the nature of the business with product in piles and many trucks backing up into the right of way that he was not comfortable with a bike path running through the business at this time.
- **Water/Wastewater/Stormwater:**
  - **Water Source:**
  - **Storm water:**

### 3.3 Transportation

- **Access:** Access is from Huttleston Avenue with Pierce’s Street, a private dirt unaccepted street, running through from the entrance to the bike path and then south to a small neighborhood. The property has some frontage on Weeden Road.
- **Sight Lines:** The access at Peirces’s Point is on a bend on Huttleston Avenue (route 6) with good visibility.
- **Safety/Accidents:** The SRPEDD interactive map showing crashes on Route 6 from 2015 to 2017 does not list any accidents at this location. It does list 12 accidents at the nearby Weeden Road intersection and 3 at the Mill Road Intersection with Huttleston Avenue.
- **Trip Generation:**
- **Vehicular Volume of Road:** The average daily volume at this point on route 6 is estimated to be 15,668 trips a day.
- **Nearby Intersections (LOS):**
- **Parking:**
- **Mass Transit:** No mass transit at this part of Huttleston avenue at this point.
- **Traffic Summary:**

### 3.4 Economic Impact

- The impacts to municipal services such as schools, police and fire should be minimal.
- Potential Tax Impacts:

### 3.5 Local Impact/Abutters

- Abutters are curious about what is planned.

## 4. CORRESPONDENCE

### 4.1 Organizations:

- 4.2 **Public:** Henry Ferreira emailed with concern that there is not a lot of information about what is planned and wonders whether the whole property should be the same zoning district.