



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

**Subdivision: DS-2021-03 Masse Beach Street  
Staff Report: March 23, 2021**

### 1. DESCRIPTION

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- 1.1 Applicant:** Danial E. and Jillian A. Masse
- 1.2 Project Location:** Map 19 Lot 19 (35,025 square feet) on Beach Street between Alpine and Newbury Streets. The entire property falls within the AE Flood Zone (1% Annual Chance of Flooding) and the 200-foot Riverfront Area to the Acushnet River. The property owners intend to submit a request to FEMA for a Conditional Letter of Map Revision Based on Fill (CLOMR-F) to remove the proposed house from the flood zone.
- 1.3 Proposal:** To develop an unaccepted paper street to create frontage to build a house.
- 1.4 Zoning:** The property was rezoned in 2017 from Industrial (I) to General Residence District (RB). Lot 19 was zoned Industrial from 1984 (ATM Art. #16 - 5-5-1984) to 2017 and prior to that was zoned RB.
- 1.5 Local Permits:** DS at Planning Board; Conservation Commission (has order of conditions); Building.
- 1.6 Surrounding Land Uses:** Industrial (Bus Station & Garage) to south; residences to east and north. Acushnet River to west.
- 1.7 Project History:** Was residential, then became Industrial from 1984207.
- 1.8 Project Summary:**
- To develop an unaccepted paper street to create frontage to build a house.
  - The house site was pushed to the south east corner by Conservation to get as far away from the wetlands as possible.

### 2. ADMINISTRATIVE SUMMARY

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- 2.1 Complete Filing Stamped:** February 11, 2021
- 2.2 Advertisement:** March 4 and March 11, 2021 Fairhaven Neighborhood News
- 2.3 Routing Sent:** February 26, 2021
- 2.4 Public Hearing:** March 23, 2021

### 3. PLANNING CONCERNS

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**3.1 Comments from other Town Departments:**

- 3.1.1 Fire Department (Chief Correia):** No issues
- 3.1.2 Police Department (Chief Meyers):** No comments
- 3.1.3 Public Works Department (Vinnie Furtado):** Plan reflects water being brought down Alpine Avenue. The BPW prefers/requires that the water be brought down Newbury Street. As such new plans are required. Need preconstruction meeting with utility contractor. Fees: Sewer, Water, Driveway, Trench Permit, Inspection Services and As-Built Plans.
- 3.1.4 Highway Department (John Charbonneau):** Any tie-ins for utilities in Sycamore Street will require flow able fill. Pavement restoration is to be 1" thicker than the existing pavement. Highway Superintendent needs to inspect condition of pavement prior to any final patching. Stone dust and emulsion on all pavement joints.

- 3.1.5 Water: Service to be installed before the hydrant at the west end of Sycamore Street. The following properties must be tied into the new water line (5 Alpine, 84 Sycamore, 86 Sycamore). Check for existing 6" pipe on Sycamore.
- 3.1.6 Sewer: No comments
- 3.1.7 Conservation & Sustainability (Whitney McClees): The project was issued an Order of Conditions issued March 3, 2020 with the the final approved plans associated with the Order of Conditions. Any deviation from those plans will require the applicant to return to the Conservation Commission. The entire property falls within the 200-foot Riverfront Area to the Acushnet River as well as the 100-year floodplain. The property owners intend to submit a request to FEMA for a Conditional Letter of Map Revision Based on Fill (CLOMR-F) to remove the proposed house from the flood zone. Any review of the project should ensure compliance with Chapter 194 (Stormwater).
- 3.1.8 Finance/Treasurer/Collector (Wendy Graves):
- 3.1.9 Assessor (Def Garcia):
- 3.1.10 Board of Health:

### 3.2 **Issues relative to Zoning and the Rules and Regulations of Subdivision of Land**

- § 198-2. Purpose of Zoning: How does the proposal adhere to the following purposes of § 198:
  - Does the design promote the health, safety, convenience and general welfare of Fairhaven?
  - Does the design lessen the danger from fire, flood, panic and other natural or manmade disasters?
  - Does the design improve and beautify the town?
  - Does the design prevent overcrowding of land?
  - Does the design avoid undue concentration of population?
  - Does the design facilitate the adequate needs of water, water supply, drainage, sewerage, schools, parks, open space and other public requirements?
  - Does the design conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment?
  - Does the design encourage the most appropriate use of land throughout the town?
  - Does the design preserve and increase amenities by the promulgation of the regulations to fulfill said objectives.

- Chapter 322 – Subdivision of Land

#### **Waivers Required:**

- § 322-14.D. Waiver of additional subdivision submittal requirements.
- § 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.
- § 322-17. Waiver of sidewalks.
- § 322-25. Waiver of street trees.
- § 322-J0.D. Waiver of Class I bituminous concrete paving.
- § 322-32. Waiver of curbing and Cape Cod berm.

#### **Section 322**

- **§ 322-7** Compliance with Zoning Bylaw required.
  - **If the**
- **§ 322-15 Section 7 Design Standards**
- **§ 322-15.B:** Are the streets, sidewalks, water systems, sanitary sewers, storm drain systems, public and private utilities and other infrastructure constructed in accordance with this chapter and the Board of Public Works requirements? **Waiver required**
- **§ 322-15.C:** Does the design make:

- Reasonable precautions against possible natural disasters;
  - **The proposal is in the AE Zone even though it is within the Hurricane Barrier. The house would be raised on fill to raise out of flood zone.**
- Provisions for traffic safety and convenience;
  - **The road would now connect between Alpine and Newbury.**
- Assurance of adequate sanitary conditions;
- Consideration of amenities;
- **§ 322-15.D:** No land shall be divided for residential use if it is of such a character that it cannot be used for building purposes without danger to health.
- **§ 322-15.F:** Does all work and materials conform to the latest requirements of the American Disability Act (ADA) and the Massachusetts Architectural Access Board (MAAB)?
- **§ 322-16 Streets:**
- **§ 322-16.A(3):** Does the design provide for the proper projection of the streets, or for access to adjoining property which is not subdivided or developed?
  - **The road would now connect between Alpine and Newbury albeit not to full standards.**
- **§ 322-16.A(4):** Are streets entering opposite sides of another street? Is so are the laid out either directly opposite each other or with a minimum offset of 150 feet between their center lines?
- **§ 322-16.A(5):** Streets entering the same side of another street shall be laid out with a minimum offset of 150 feet between their center lines.
- **§ 322-16.A(9):** On any street where the grade exceeds 5% on the approach of the intersection, a leveling area, with a maximum slope of 3%, shall be provided for a distance of not less than 50 feet measured from the nearest gutter line of the intersecting street. **Road is flat at this point.**
- **§ 322-17:** Sidewalks; school bus waiting areas
- **§ 322-18:** Adequate access from public way:
  - A. Does the street system have adequate vehicular, pedestrian, and/or bicycle access from a Town, county or state public way or private way?
  - B. Is the public way adequate to provide for emergency services and carry the expected traffic?
  - C. Is the existing surrounding municipal infrastructure (e.g., street width and construction, sanitary sewer, public water, storm sewer, etc.) sufficient and/or capable of handling the additional volumes (e.g., traffic, sewage, stormwater, etc.) anticipated to be generated by the project?
- **§ 322-19:** Emergency Routes out of subdivision to be provided.
  - In any area not protected by the U.S. Army Corps of Engineers hurricane barriers, each lot shall be serviced with streets providing a route out of the subdivision, no part of which route lies below the thirteen-foot elevation above mean sea level (M.S. L.). **Site is within the Hurricane Barrier.**
- **§ 322-20:** Easements
- **§ 322-21:** Open space.
- **§ 322-23:** Guardrails.
- **§ 322-24:** Protection of natural features.
- **§ 322-25:** Landscaping; street trees and tree belts. Tree Belts and Street Shade Trees
- **§ 322-26:** Stormwater management.
  - **§ 322-26.B(1)** For subdivisions of 3 lots or less, the applicant's engineer shall submit documentation, stamp and certify that the design meets the DEP Stormwater Management Regulations.
    - **§ 322-26.E. Erosion and sediment control was conditioned at the Conservation Commission.**
  - **§ 322-26.F.** Conveyance of stormwater. **Gravel road with swales on either side.**
- **§ 322-27:** Utilities.
- **§ 322-28:** Lots limited to one dwelling. **§ 322-29:** Further subdivision. **No further subdivision possible.**
- **Part 8: Required Improvements for Approved Subdivision**
- **§ 322-32** Curbing.
- **§ 322-33** Driveway approach areas and aprons.
- **§ 322-34** Side slopes.
- **§ 322-35** Street names and signs.