



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

Special Permit: SP 2022-02 A&A Car Sales Expansion
Staff Report: March 5, 2022

1. DESCRIPTION

- 1.1 Applicant:** SAKO Properties, Inc. (DBA A&A Auto)
- 1.2 Project Location:** 200 Huttleston Avenue (Map 30A Lots 82 and 85 – 0.57 acre).
- 1.3 Proposal:** To expand the existing used car sales lot at 196 Huttleston Avenue and the end of Shirley Street to 200 Huttleston Avenue.
- 1.4 Zoning:** Business District (B).
- 1.5 Site Data:** Previous gas station was demolished leaving an essentially flat and disturbed condition with a mix of pavement and gravel. The southerly portion of the property is paved and the majority of the northern portion is gravel with no buffer to the abutting residential properties to the north. The property is subject to an Activity and Use Limitation (AUL) recorded at the registry of deeds. The limitation prohibits the removal of the existing paved surfaces on the site and limits what the site can be used for. Investigating the history of the gas station cleanup.
- 1.6 Local Permits and Applications:** Select Board for number of vehicles and area to be occupied by those vehicles shall be determined by the Select Board when licenses are issued per §198-27.F.
- 1.7 Surrounding Land Uses:** Residential behind on Shirley Street and Jason Terrace and to the east an apartment complex in a large old home.
- 1.8 Project History:** 196 Huttleston has been operating with used car sales and repair for several decades. Shirley Street was originally Alden Road. Sometime after Alden Road was relocated the end of Shirley Street was closed off by DCAMM, a state agency. 200 Huttleston was a gas station until about 20 years ago. In 2012 the lot and existing building were approved with conditions through Special Permit review for a restaurant but that was never done.
- 1.9 Existing Conditions:** Flat and disturbed condition with a mix of pavement and gravel and large open curb cut onto Route 6 where it is divided and only accessible to west bound vehicles.
- 1.10 Project Summary:**
 - **Description:** To expand the existing used car sales lot at 196 Huttleston Avenue and the end of Shirley Street to 200 Huttleston Avenue and convert the existing building on the site into a sales office for used car sales and to utilize the existing paved parking and gravel parking areas for display and storage of vehicles for sale. The existing building is 40' by 19' or 760 sf. The applicant proposes to make the following improvements to the site including providing a buffer to the abutting residential properties: Install a 6-foot-high solid fencing along the easterly boundary of the abutting residential property and along the northern property line along Jason Terrace; Install Landscaping consisting of shrubs and arborvitae along north side of the new fence; Install a 6-foot-high solid fence with a gate along the sideline of Shirley Street to help screen the commercial operation from the residences and stop cut-through traffic. The applicant proposes to keep the drainage unchanged with the existing topography and surface coverages to remain as is and which does not automatically require a stormwater report and peer review.
 - **Site Plan:** The site plan shows 48 display/parking spots on the 200 Huttleston lot.
 - **Building Design:** The existing building will remain with a facelift. Details yet to be submitted.

- 1.11 Access:** There would be two curb cuts, one in and one out, at the 200 Huttleston Avenue property. The proposal is to mitigate the large open curb cut onto Route 6 with five 8' by 3.5' planting beds. This section of Route 6 is divided and only accessible to west bound vehicles.
- **Parking:** The site plan shows 48 display/parking spots on the 200 Huttleston lot. There are at least 50 cars located at 196 Huttleston Avenue and 4 Shirley Street. Many cars are routinely parked in technically what is the public right of way north of 4 Shirley Street between 196 and 200 Huttleston.
 - **Landscape:** No landscaping or vegetation that requires excavation and removal of pavement can be provided along Huttleston Ave or the adjacent property. Since the paved areas cannot be removed or pierced due to the AUL, the Applicant is proposing planter beds on top of the asphalt. Five raised planter boxes are shown along Huttleston Ave.
 - **Lighting:** There are 2 light poles on the site. The lights would be upgraded on both poles. The building will have 2 lights on the front, 1 on each side, and 1- over the door in the rear. The specifications will be sent upon receipt from the electrician.
 - **Signage:** Proposal is to attach new sign to existing sign post.
 - **Hours of Operation:** Monday to Saturday 9:00 am to 7:00 pm; Sunday from 11:00 am to 5:00 pm.
 - **Habitat:** The site is not in an NHESP Priority Habitat.
 - **Noise:** There are residences nearby but this is a Business zoned property at the conjunction of two busy roads. The hours of operation are such that noise at 200 Huttleston Avenue should not be a problem. There was some concern that if the towing operation had moved to this location it would have brought trucks backing up at all hours closer to residences but that was dropped as part of the application.
 - **Open Space:** N/A
 - **Bicycle/Pedestrian/Trails:**
 - **Energy/Sustainability:**
 - **Waste Management:** A dumpster is depicted behind the building though not in an enclosure.

2. ADMINISTRATIVE SUMMARY

- 2.1 **Complete Filing Received:** January 8, 2022
- 2.2 **Advertisement:** FNN February 17 and 24, 2022
- 2.3 **Routing Sent:** February 9, 2022
- 2.4 **Public Hearing:** March 8, 2022

3. Comments from Town Departments:

- 3.1 Fire Department: No major issues.
- 3.2 Police Department: Does not have an issue with the plan as presented.
- 3.3 Public Works Department:
 - A. Highway Department: Proposed aprons are in the State layout.
 - B. Sewer: Installation of an outside cleanout recommended in case of any potential sewer backups.
 - C. Water: No comment.
- 3.4 Finance/Treasurer/Collector: As of February 11 there were taxes due on 200 Huttleston.
- 3.5 Assessor: No issues with this expansion.
- 3.6 Conservation Agent: No concerns.
- 3.7 Board of Health:

- 3.8** Building: Please be aware of the numerous complaints made about the parking of the cars on Shirley Street by one of the abutters.
- 3.9** Planning Department: This has been an empty lot for many years and is the site of a former gas station. The previous use with an A.U.L., odd configuration of the lot, and location at a divided section of Route 6 make this lot less than ideal for many businesses even though it has good visibility. The proposal improves the screening and buffering from neighboring residential properties, removes the ability for vehicles to cut through the property, and improves the streetscape along Route 6 somewhat. The access is fairly close to where traffic enters from Route 240. The two primary questions/concerns include: 1) to what degree the pre-existing car sales business at 196 Huttleston and the lot at the end of Shirley Street (formerly part of old Alden Road) should be reviewed or considered as part of this review? 2) Is the obligation and condition of section 3.(V) of the Activity Use Limitation that “Annual inspection and associated record-keeping activities must be performed by the property owner or approved agent to confirm that the pavement is being properly maintained to prevent exposure(s) to petroleum impacted soil located immediately beneath the pavement.”

4. PLANNING and ZONING CONSIDERATIONS to consider

- 4.1** § 198-2. Purpose of Zoning: How does the proposal adhere to the following purposes of § 198:
- A. ***Does design promote the health, safety, convenience & general welfare of inhabitants/FH?***
 - B. ***Does it lessen the danger from fire, flood, panic and other natural/manmade disasters?***
 - C. ***Does design improve and beautify the town?***
 - D. ***Does design prevent overcrowding of land?***
 - E. ***Does design avoid undue concentration of population?***
 - F. ***Does design facilitate the adequate needs of water, water supply, drainage, sewerage, schools, parks, open space and other public requirements?***
 - G. ***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?***
 - H. ***Does the design encourage the most appropriate use of land throughout the town?***
 - I. ***Does the design preserve and increase amenities?***
- 4.2** § 198-29.D.1 (a-e): SPECIAL PERMIT Criteria
- A. ***§198-29.D (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:***
 - B. ***§198-29.D (1)(a): Does it assure safety w/ respect to internal circulation & egress of traffic.***
 - C. ***§198-29.D (1)(b): Does design provide adequate access for fire and service equipment.***
 - D. ***§198-29.D (1)(c): Does design provide adequate utility services and drainage facilities ...***
 - E. ***§198-29.D (1)(d): Does Landscape design conform to § 198-27C of this chapter.***
- 4.3** Proposed Parking, Chapter 198-27.B.2 (b & c):
- A. ***§198-27C(1): No off-street parking area for five or more cars shall be located within the required front, side or rear yard setback. If no setback is required minimum parking setback shall be 6’.***
 - B. ***§198-27C(2): Required parking areas paved, unless exempted by Special Permit.***
 - C. ***§ 198-27C (3): Backing onto a public way?***
 - D. ***§198-27C (4): Perimeter landscaping requirements. Parking for 5 or more cars include the following:***
 - E. ***§ 198-27C (4) (a): A landscaped buffer strip shall be provided adjacent to any public road...***

- F. ***§ 198-27C (b): A landscaped buffer strip shall be provided adjacent to any adjoining uses...***
- G. ***§ 198-27C (c): Plantings shall include the incorporation of evergreen and deciduous plantings ...***

4.4 Local Impact/Abutters

- Neighbors have expressed concerns with the use of the public way as part of the business. First proposal had towing included which could have created a nuisance for residential neighbors but was removed.

5. CORRESPONDENCE

5.1 Town Officials:

5.2 Town Organizations:

5.3 Public: Email received from **Louis Baptiste**, who owns a similar operation, expresses a concern that the same setbacks that his business has to abide by should be required here as well. These include, according to Mr. Baptiste, a 20' setback from the street, 10' minimum setback from other borders, and a 20' maneuverability was needed around all garage doors.