



TOWN OF FAIRHAVEN, MASSACHUSETTS

# PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

## MEETING MINUTES

Tuesday, April 9, 2024 at 6:30 pm

Held both at Town Hall & Remotely via Zoom

### 1. GENERAL BUSINESS:

- a) **Chair's Welcome and Media Notification:** Madame Chair, Ms. Cathy Melanson, opened the meeting at 6:31 PM and advised who was present. The media notification was written on the agenda for the meeting and thus was not read aloud.
- b) **Quorum/Attendance: Present:** Cathy Melanson, Jessica Fidalgo, Sharon Simmons, Patrick Carr, Kevin Grant, Diane Tomassetti, Ruy daSilva, and Rick Trapilo in the Town Hall Banquet Room.

Recording Secretary Stephanie Fidalgo was also present for this meeting.

**Absent:** None

- c) **Minutes: March 26, 2024, and March 29, 2024, drafts to be reviewed:**

Mr. daSilva made a motion to accept the minutes of March 26, 2024, and March 29, 2024 and was seconded by Ms. Fidalgo. The motion passed unanimously. (8-0)

- d) **Welcome New Board Members:**

Mr. Trapilo was welcomed to the Board, having been elected to the single year term at the April 1, 2024, election.

- e) **Thank You Past Board Members:**

Ms. Melanson thanked Mr. Jeff Lucas for his years of service on the Planning Board. Ms. Fidalgo and Ms. Tomassetti were each elected to a four-year term at the April 1, 2024, election.

- f) **Board Elections:**

Town Administrator, Angie Lopes Ellison, conducted the elections for the executives of the Board.

- **Chair**

Ms. Ellison opened nominations for Chair. Ms. Tomassetti nominated Cathy Melanson for Chair and Ms. Melanson accepted the nomination. There were no other nominations. Ms. Ellison closed the nominations.

Mr. Carr made a motion to appoint Ms. Melanson to serve as Planning Board Chair for

**this election year and was seconded by Mr. daSilva. The motion passed unanimously. (8-0)**

- **Vice Chair**

Ms. Ellison opened nominations for Vice Chair. Mr. Trapilo nominated Patrick Carr for Vice Chair and Mr. Carr accepted the nomination. There were no other nominations. Ms. Ellison closed the nominations.

**Ms. Simmons made a motion to appoint Mr. Carr as Planning Board Vice Chair for this election year and was seconded by Mr. Grant. The motion passed unanimously. (8-0)**

- **Clerk**

Ms. Ellison opened nominations for Clerk. Ms. Melanson nominated Sharon Simmons for Clerk and Ms. Simmons accepted the nomination. There were no other nominations. Ms. Ellison closed the nominations.

**Ms. Tomassetti made a motion to appoint Ms. Simmons as Planning Board Clerk for this election year and was seconded by Ms. Fidalgo. The motion passed unanimously. (8-0)**

- **Southeastern Regional Planning and Economic Development District (SRPEDD) Commissioner**

Ms. Melanson opened nominations for the Southeastern Regional Planning and Economic Development District (SRPEDD) Commissioner. Ms. Fidalgo nominated herself. Mr. Carr nominated Rick Trapilo.

Ms. Fidalgo made a motion to appoint herself as SRPEDD Commissioner for this election year and was seconded by Mr. Grant. Ms. Fidalgo, Mr. Grant, and Ms. Tomassetti voted in favor of Ms. Fidalgo.

Mr. Carr made a motion to appoint Mr. Trapilo as SRPEDD Commissioner for this election year and was seconded by Mr. daSilva. Ms. Melanson, Mr. Carr, Ms. Simmons, Mr. daSilva, and Mr. Trapilo voted in favor of Mr. Trapilo.

**Mr. Trapilo was appointed as SRPEDD Commissioner for this election year with 5 in favor, 3 against.**

- **Community Preservation Committee (CPC) Appointee**

Ms. Melanson opened nominations for the Community Preservation Committee (CPC) Appointee. Ms. Tomassetti nominated herself.

**Ms. Tomassetti made a motion to appoint herself as the CPC Appointee for this election year and was seconded by Mr. Grant. The motion passed unanimously. (8-0)**

- **Economic Development Committee (EDC) Appointee**

Ms. Melanson opened nominations for the Economic Development Committee (EDC) Appointee. Ms. Melanson nominated Patrick Carr and outlined her reasons for him to remain as the EDC Appointee.

**Ms. Melanson made a motion to appoint Mr. Carr as the EDC Appointee for this election year and was seconded by Ms. Tomassetti. The motion passed unanimously. (8-0)**

- **Rogers Re-Use Committee Appointee**

(Secretary's Note: The Committee was incorrectly listed as the "Rogers School Committee" on the agenda. The correct name is reflected here in the minutes.)

Ms. Melanson opened nominations for the Rogers Re-Use Committee Appointee. Ms. Melanson nominated herself and outlined her reasons for wishing to remain as the Rogers Re-Use Committee Appointee.

**Ms. Melanson made a motion to appoint herself as the Rogers Re-Use Committee Appointee for this election year and was seconded by Ms. Tomassetti. The motion passed unanimously. (8-0)**

**g) Letter of Support for a Community Planning Grant Application for Zoning Bylaw Updates:**

Ms. Melanson outlined to the Board that this letter of support from the Planning Board would be submitted as part of a Community Planning Grant Application the Town was drafting. The Town would seek a \$50,000 grant with the \$25,000 in funds requested for the May Annual Town Meeting acting as a match to hire a consultant to review, revise, and update the Town's Zoning Bylaws.

**Ms. Simmons made a motion for Ms. Melanson to sign the letter of support and include it with the grant application and was seconded by Mr. Trapilo.**

Mr. Carr inquired about the scope of the updates, with Ms. Melanson answering that consultant would be asked to review all the Town's Zoning Bylaws and recommend revisions and updates as appropriate.

**The motion passed unanimously. (8-0)**

**h) Correspondence:**

There was no general correspondence for this meeting. Correspondence had been received in connection to the meeting's public hearing and had been handed out to the Board prior to the start of the meeting.

**2. RECEIPT OF PLANS:**

- a) **FA 24-05 5 Shady Drive:** Form A Proposal to divide 5 Shady Drive (Map 38, Lot 13H) into two lots - Lot 1 at 36,503 sq. ft. and Lot 2 at 111,088 sq. ft., submitted by Seth Barlow.

Mr. Seth Barlow of Farland Corp. spoke to the Board via Zoom. The proposal would split the existing lot into two lots. Both lots would meet the frontage and lot size requirements for the

Rural Residence district and the existing buildings on the proposed Lot 2 would meet the required setbacks of the new lot.

The Board reviewed the plans. Mr. Barlow confirmed that Lot 1 was currently vacant.

**Mr. Grant made a motion to approve FA 24-05 5 Shady Drive and was seconded by Ms. Tomassetti. The motion passed unanimously. (8-0)**

### **3. PUBLIC HEARINGS:**

- a) **SP 23-09 240B LLC - Bridge Street Special Permit:** Build a 5,850 sq. ft. commercial style building on Bridge Street (Map 30A, Lots 87 & 87A), submitted by Carricorp Industries, LTD, *continued from November 28, 2023 to April 9, 2024*

Jamie Bissonnette of Zenith Consulting Engineers, LLC presented to the Board. He noted that the follow-up peer review comments had come in earlier that day from GCG, and a new plan had been submitted with minor changes. He went over the requested waivers with the Board:

- Waiver from Chapter 198-31.1-C.3.B to allow an underground infiltration system: Given the conditions of the soil, an underground infiltration system with a deep-sump catch basin to provide pre-treatment was proposed. Mr. Bissonnette outlined how the elevation of the site would direct run-off from the gas station with its higher pollutant load into the catch basins and would not affect the proposed underground infiltration system.

When Ms. Tomassetti asked for further clarification, Mr. Bissonnette explained that GCG had commented on the proposed infiltration system due to the need for a waiver from the Town's Stormwater bylaw but that the system would meet the state regulations. He covered how the deep-sump catch basin system would function and confirmed that while a tenant had not been found, they were not expecting any businesses that would create a high pollutant load.

- Waiver from Chapter 198-31.1-C.2.g.6 to have a 3:1 grade horizontal slope instead of the required 4:1 grade: The existing detention basin had been constructed before the adoption of this provision of the Stormwater Bylaw and was in line with previous and current state stormwater regulations. Keeping the same slope would not have an adverse impact on stormwater management.
- Waiver from Chapter 198-31.1-C.2.k.1.d to have a one and a half foot deep forebay instead of a four foot deep forebay. Mr. Bissonnette explained that given the size of the forebay, it was not possible to meet both the slope grade requirements and the forebay depth requirements. Adding an additional six inches of depth to the existing forebay should provide sufficient treatment and digging any deeper could prove dangerous.

- Waiver from Chapter 198-31.1.-C.2.n.6 to not have to meet the requirements to have 12 inch diameter drains with at least 24 inches of cover. The drainage system would utilize multiple smaller pipes (one 8-inch diameter pipe and two 10-inch diameter pipes) instead, which were calculated as being able to handle a 100-year storm event. Additionally, the ADS N-12 pipe would only require 18 inches of cover to meet the manufacturer's safety standards.

Mr. Bissonnette noted that this project was still being reviewed by the Conservation Commission and suggested that the decision include a provision requiring their approval.

Mr. Trapilo inquired about what constituted a 100-year storm. Mr. Bissonnette explained that it would be a storm that tapered up in strength to high intensity rainfall, with 7 inches of rain or more falling over the course of 24 hours.

Ms. Melanson confirmed that the decision would include a provision that the project also needed to be approved by the Conservation Commission. She also agreed that the requested waivers were acceptable. Mr. Grant inquired about what would happen if the Conservation Commission required any major updates to the plan, and Ms. Melanson explained that the applicant would have to re-apply for a special permit modification in that case.

There was no public comment on this public hearing.

**Ms. Melanson closed the public hearing for SP 23-09 240B LLC - Bridge Street Special Permit: Build a 5,850 sq. ft. commercial style building on Bridge Street (Map 30A, Lots 87 & 87A), submitted by Carricorp Industries, LTD**

**Mr. daSilva made a motion to approve 240B LLC - Bridge Street Special Permit with eight conditions and four waivers to April 9, 2024, and was seconded by Mr. Grant. The motion passed unanimously. (7-0)**

It was noted that Mr. Trapilo could not vote on this project as he was not a member of the Board when the public hearing started.

#### **4. UPCOMING REVIEWS:**

Ms. Melanson briefly covered the upcoming public hearing scheduled for the next meeting.

- SD 24-01 Delmont Street Unaccepted Street Discontinuance:** Discontinue the unaccepted area of Delmont Street, that abuts the north side of 11 Delmont Street (Map 28B Lot 715 and Map 29 Lots 6C & 8), submitted by Mark Blouin. *Public Hearing scheduled for April 23, 2024.*

#### **5. OTHER BUSINESS:**

- a) Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

There was no other business for this meeting.

6. **NEXT MEETING: Tuesday, April 23, 2024.**

Ms. Melanson adjourned the meeting at 7:09 PM

Respectfully submitted,  
Stephanie A. Fidalgo  
Recording Secretary,  
Planning Board

*Approved, April 24, 2024*