

PLANNING BOARD MEETING of August 13, 2013: Town Hall Banquet Room

**I. ADMINISTRATIVE BUSINESS**

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Francis Budryk, Kaisa Cripps, John Farrell Jr., Rene Fleurent Jr., Jeffrey Lucas, Peter Nopper and Gary Staffon.

Planning Director William Roth was in attendance.

Acceptance of Minutes:

Jeffrey Lucas requested an amendment to the minutes on page 3, whereas it reads, “Jeffrey Lucas asked who uses it.” Mr. Lucas made the amendment to change it to read, “who uses Earle Street.”

Gary Staffon made a motion to accept the minutes with the amendment made by Mr. Lucas and was seconded by Francis Budryk. The motion passed unanimously.

Planning Board Bills:

1. FNNEWS - 3 Ads - \$170.00 – **Brahmin Leather Works & Mary Vander Pol**  
\$140.00 – **111 Huttleston, LLC – Melanson – E.J.’s**

Gary Staffon made a motion to pay the FNNews \$170.00 for the advertisement for Brahmin Leather Works & Mary VanderPol and was seconded by Jeffrey Lucas. The motion passed unanimously.

Gary Staffon made a motion to pay the FNNews \$140.00 for the advertisement for 111 Huttleston, LLC – Melanson-E.J.’s, and was seconded by Francis Budryk. The motion passed unanimously.

2. GCG Associates – Engineer #1 – **Vander Pol** - \$190.00

Gary Staffon made a motion to pay GCG Associates \$190.00 for Vander Pol and was seconded by Jeffrey Lucas. The motion passed unanimously.

3. GCG Associates – Engineer #1 – **Brahmin Leather** - \$950.00

Gary Staffon made a motion to pay GCG Associates \$950.00 for Brahmin Leather and was seconded by Jeffrey Lucas.

On the question, Francis Budryk asked William Roth if GCG Associates works for the Town and if this was a normal range bill.

William Roth said that yes GCG Associates works for the Town, and this was ten hours of extensive review for engineer and drainage. Mr. Roth said the applicant deposits \$2500.00 toward this bill.

Wayne Hayward says that he wouldn’t compare it to the first one because this was just the beginning.

The motion passed unanimously.

**II. CURRENT PLANNING:**

Receipt of Plans:

None

Approval of Plans:

None.

Lot Releases:

**1. Welcome Street**

William Roth advised the Board that Del Martin was again before them to have Lots 3 & 6 released. He said there would be two lots left in the covenant. Mr. Roth reviewed his revised memorandum of the remaining items left to be done within the subdivision and told the Board he felt comfortable releasing these lots at this time.

Del Martin told the Board that Mr. Roth has done a fine job and that things were looking good. They were nearly finished.

Wayne Hayward said that he had reviewed things with Mr. Roth and he was comfortable to what needs to be done and he was comfortable with releasing the lots.

On the revised memorandum, Jeffrey Lucas asked if the \$12,375 was an estimate of the tree planting; in which, Mr. Roth said it was.

Mr. Martin said it was a firm estimate.

Jeffrey Lucas made a motion to release Lots 3 & 6 and was seconded by Gary Staffon. The motion passed unanimously.

**III. PUBLIC HEARING:**

**1. Special Permit – **Brahmin Leather Works** – 77 Alden Road (con't from 7/9/13)**

William Roth said he spoke to the Engineer, John Keegan who said they were still dealing with the Conservation Commission and is requesting a continuance to September 10, 2013.

Gary Staffon made a motion to continue Brahmin Leather Works to September 10, 2013 at the applicant's request and was seconded by Jeffrey Lucas. The motion passed unanimously.

**2. Special Permit – **Melanson – EJ's Brooklynne Diner** – 111 Huttleston Avenue**

Wayne Hayward opened the Public Hearing and asked Mr. Roth to read the advertisement. Mr. Hayward then introduced the Board.

Kenneth Ferreira, Engineer for the project was present to speak on behalf of the applicant. He showed the rendition plans of the front of the building, explained where the butcher shop would be, and then the restaurant/lounge they were proposing. He said that they were proposing a shared parking lot with Emma Jean's. He said that 119 spaces were required and they had 89 parking spaces, therefore, were requesting a reduction of the parking spaces. He said that he reviewed the Town Planner's comments and felt they were appropriate; as well as the BPW comments, he had no problem with them as well. Mr. Ferreira said that they would address any issues on the next set of revised plans. In reference to the two page engineering report, Mr. Ferreira thought he would be able to meet 90% of the comments. He said there was not a lot they could do about the grading of the Emma Jean's parking lot. He also said that Ms. Melanson has hired G. Bourne Knowles to do the landscaping plan.

William Roth, then reviewed his Memorandum. There was a comment in regard to the parking lot adjacent on Bridge Street had a note regarding providing screen fencing or a hedgerow towards the adjacent properties. Mr. Roth said that the applicant would need to identify either a fence or hedgerow.

Mr. Ferreira noted that they have since chosen a 6' white fence.

Mr. Roth went on to review his report and comments. Mr. Roth said that he did not reroute the revised plans, but that the Fire Chief would need to review them. Mr. Roth recommended the Board to hear the Special Permit tonight and then continue the hearing to bring back the revised plans with changes and comments to what the Planning Board and Public have.

Wayne Hayward confirmed that the plans they were looking at were revised July 29, 2013.

Wayne Hayward shared a concern that on the parking, it was stated that it would be different times that it was being used; however, he felt like it sounded more like both entities would be open at the same time.

Mr. Ferreira said the Ice Cream Shoppe closes at 9 p.m. and then he explained the times when people may be at the bakery vs. the restaurant, with an overlap maybe at early evening. Mr. Ferreira said if you subtract the outside seating they meet the parking space requirement minus a few seats.

Wayne Hayward asked if the live entertainment that Emma Jean's has presently would be carrying over? If it was, he wasn't sure if the parking was going to work. He then asked if they had any arrangements with BankFive for additional parking.

Mr. Ferreira said they do not have any arrangement with BankFive.

A discussion ensued about open parking, public parking on Rogers Street, Bridge Street, and Holcomb Streets. More discussion on spillover parking.

Kaisa Cripps said that Mr. Ferreira had made a contradictory statement regarding the businesses would have off set hours with dinner and then dessert next door. Ms. Cripps felt the parking was a tight issue.

Wayne Hayward said the ice cream parlor is seasonal as well.

Rene Fleurent, Jr. said that the Board needed to consider all of the outside seating.

William Roth said that the Board has allowed double stacking employee parking at the Pasta House.

Wayne Hayward asked Mr. Roth if parking regulations factors employee parking.

Mr. Roth answered that parking regulations factor in everything, use and square footage, customers and employees.

Wayne Hayward said he didn't want to see overage parking on Holcomb and Bridge Streets.

Jeffrey Lucas shared a concern that once you're in the parking maze areas, you would have to go around the block, onto Rt. 6 in order to turn around or find parking and he sees this as a problem.

Kaisa Cripps asked if they would consider a one way in.

Jeffrey Lucas said it was just a concern especially when they are reducing the parking area. Mr. Lucas also pointed out that these two buildings are essentially married together.

Mr. Ferreira stated that the owners are the same of both LLC's.

William Roth stated that a Crossover Parking Access and Maintenance Agreement and easement would be a requirement and recorded on all deeds.

Kaisa Cripps clarified that they were working with three different properties; whereas, they were borrowing parking from 140 Bridge Street (which they own.)

Mr. Ferreira said Yes, three different identities.

Wayne Hayward said they would need to see full build out for demand and he wasn't sure they were seeing that. He said it would be hard to know what the future plans were.

Francis Budryk asked about parking on Bridge Street.

Wayne Hayward said that the goal is to provide on-site parking.

Jeffrey Lucas asked about accessibility to the dumpster.

Rene Fleurent, Jr. asked about where the snow would go.

Mr. Ferreira reviewed the plans to where it would be dumped, and in worse case scenario they would have it taken out.

More discussion ensued on parking.

A brief discussion ensued about the proposed sidewalk and entrances to the deli.

Wayne Hayward opened up the comment period to any audience members.

Francis Cox asked for a minute to review the plan.

Resident, Douglas Barresi of 20 Rogers Street stood up to share his concern about the parking. He said that Rogers Street was a short street with approximately nine houses. It's not a busy street. He said he would be concerned about the spilling over onto his street. He also expressed that he thought Fire & Police would be going down Holcomb Street, so you have to take that into consideration if there are more cars parking there.

Resident, Francis Cox said after reviewing the plans he noticed that there were three parking spaces on the side of the buildings driveway marked, 'Employee Parking'; and he wondered about those spaces. He said that the Board has some great concerns. He was concerned about parking on Bridge Street and that for him parking is a serious concern. He said that other businesses in Town had to conform to what they have. "It is what it is," he said.

Wayne Hayward asked Mr. Cox, because he was the previous tenant in this area, if the three employee parking spaces that were marked had to be open in the past for the Fire Department.

Mr. Cox said that would be correct. The Cox's had to leave that space open. Mr. Cox then said that the ice cream parlor 'u shaped things' he felt were put up on a whim without any Town permits.

Mr. Ferreira said that according to the Planning Board code, they needed 45 parking spaces at Emma Jean's.

Cathy Melanson, proprietor was in the audience and expressed her opinion. She said that the outside patio for the Ice cream parlor was not put up on a whim. She said she spoke to the building inspector and he was the one who advised the 'u' shaped things. She expressed that she co-existed with the Huttleston House and they have complied with everything. She expressed that her business is bringing people to the Town of Fairhaven, and she has done everything by the book. Ms. Melanson said that Sovereign Bank has already said they could use their lot; as well as she has received permission from West Marine (across the street), which she realizes isn't ideal.

Wayne Hayward said that parking spaces are set in stone once they are approved on plans.

Resident, Charlene Conway spoke in support of Ms. Melanson. She said she was a little naïve about the parking calculations and that 91 parking spaces is a lot of customers.

Wayne Hayward said that the parking is based on seats in the restaurant as well as the bar. "It's part of the code," he said.

William Roth said that it is 1 space for 2.5 seats in a restaurant; and retail/commercial and industrial are based on squared footage.

Mr. Ferreira said they were asking for a reduction of 33 spaces under the Planning Code.

Jeffrey Lucas said looking at the interior design; the density of inside is quite a lot verses the density of the patio area is really low.

A brief discussion on the interior design ensued.

Ms. Melanson said they had a professional architect make up the plans to they're specification of something unique. The bar is going to have a pizza oven and has 24 craft beers.

More discussion occurred regarding accommodating parking.

Kaisa Cripps said the Board had to take into consideration that there would be increased traffic in the late hours because of the bar and operating hours and Bridge Street is a residential area.

Rene Fleuerent, Jr. said they need to downsize it somewhat.

Resident Francis Cox said when they were in that building, they conformed with zoning for parking.

Jeffrey Lucas verified exactly how many parking spaces were on the plans; because he counted 91. And confirmed the required is 119.

Wayne Hayward told the applicant that from the sounds of it, they need to come back with proposals on parking concerns.

Mr. Ferreira reviewed the outside patio and that it maybe shouldn't be considered into parking.

William Roth said, "In my professional opinion, I think our parking requirement is excessive." He asked the Board to think about the parking a bit more.

Francis Budryk said it was a breath of fresh air to hear that from Mr. Roth and he'd like to see the Board compromise this parking issue.

Wayne Hayward said the code is what it is.

Gary Staffon suggested perhaps some tweaking be done at Emma Jean's in the ice cream parking perhaps.

Kaisa Cripps shared a concern again that it was three different identities.

Kaisa Cripps made a motion to continue the Public Hearing to August 27, 2013, and was seconded by Gary Staffon. The motion passed unanimously.

**IV. LONG RANGE PLANNING:**

1. Zoning Reform Bill

William Roth advised the Board there was nothing new on the Zoning Reform Bill, that it is a long process thru the State. He is just keeping it under Long Range Planning.

2. Medical Marijuana Law

William Roth stated he had some paperwork to include with the next packet for the Board to read up on.

**V. CORRESPONDENCE:**

NONE

**VI. OTHER BUSINESS:**

Gary Staffon asked Mr. Roth about the Fairhaven-Middleborough Block Grant.

William Roth explained this was the ninth consecutive Block Grant that Fairhaven has received. And that this was a joint applicant with Middleborough, but Fairhaven would be the lead community. They will be rebuilding Elliot Lane and refurbishing up to five houses. Mr. Roth also mentioned that he had the contractor clean up the Park Motors staging area site and he was a little surprised that Mr. Budryk had not mentioned it to him. Since this area was a particular concern to him.

Kaisa Cripps said she would like to commend Mr. Roth for all his work on the Block Grants.

In other business, Kaisa Cripps asked about fire pits in residential neighborhoods and if Fairhaven had any regulations regarding them.

William Roth said that they are regulated by the Fire Chief/Fire Marshall.

Definition of Fire Pit = Open flame not used for cooking

William Roth recommended calling the Fire Chief.

In other business, Francis Budryk asked William Roth about a light that is out on the corner of Main Street near his property and whose responsibility it is to change it. He was concerned at a few car accidents that have occurred there, and wonders if it's because there is no light.

William Roth recommended contacting the Police Chief and Jeff Osuch.

Gary Staffon made a motion to adjourn, and was seconded by Jeffrey Lucas. The motion passed unanimously.

The meeting adjourned at 8:57 p.m.

The next meeting is scheduled for Tuesday, August 27, 2013.

Respectively submitted,

Patricia A. Pacella  
Recording Secretary