

PLANNING BOARD MEETING of April 28, 2015 - Town Hall Banquet Room

A. ADMINISTRATIVE BUSINESS:

Chairman, Wayne Hayward opened the meeting at 6:30 p.m. Mr. Hayward indicated the meeting was being televised.

Quorum/Attendance:

Members Present: Chairperson, Wayne Hayward, Peter Nopper, Gary Staffon, Rene Fleurent, Jr., Ann Richard, Jeffrey Lucas and Kaisa Holloway-Cripps.

Absent: John Farrell, Jr.

Planning Director, William Roth was also in attendance.

Board Elections:

William Roth said this is done the first meeting after the Town elections. Congratulations to those elected, Mr. Fleurent, Jr., Mr. Hayward and Ms. Richard. Floor was opened for nomination of Chairman.

Chairman:

Gary Staffon made a nomination for Wayne Hayward for Chairman and was seconded by Mr. Fleurent, Jr. Nominations closed, vote was 6 in favor with one abstention, Mr. Hayward as Chairman.

Vice Chairman:

Peter Nopper made nomination for Gary Staffon and Kaisa Holloway-Cripps nominated Mr. Rene Fleurent, Jr. Nominations closed, roll call vote was 4-3, Mr. Rene Fleurent, Jr. as Vice Chairman.

Clerk

Gary Staffon made nomination for Peter Nopper and Wayne Hayward made nomination for Gary Staffon. Mr. Staffon declined. Nominations closed, roll call vote was unanimous, Peter Nopper as Clerk.

SRPEDD Commissioner:

Gary Staffon made nomination for Rene Fleurent, Jr. and was seconded by Peter Nopper. Nominations closed, vote was unanimous, Rene Fleurent, Jr. as SRPEDD Commissioner.

Wayne Hayward said Mr. Lucas is continuing on a 3-year commitment for CPC.

Acceptance of Minutes:

Gary Staffon made a motion to accept the minutes of March 24, 2015, and was seconded by Rene Fleurent, Jr. The motion passed unanimously with one abstention.

Planning Board Bills

1. A bill was presented for Fairhaven Neighborhood News for \$140.00

Jeffrey Lucas made a motion to pay Neighborhood News \$140.00 and was seconded by Gary Staffon. The motion passed unanimously.

2. A bill for GCG Associates was presented for \$577.50.

Jeffrey Lucas made a motion to pay GCG Associates \$577.50 and was seconded by Gary Staffon. The motion passed unanimously.

3. A bill was presented for Monahan Printing in the amount of \$153.00.

Jeffrey Lucas made a motion to pay Monahan Printing \$153.00 and was seconded by Gary Staffon. The motion passed unanimously.

## B. CURRENT PLANNING

### Receipt of Plans:

1. *Special Permit* - Carapace, LLC – 250 Bridge Street (PH 6/9/15)

William Roth explained they received the application this afternoon from Carapace LLC. They are proposing a 10,000 sq. ft. auto dealership at 250 Bridge Street, the vacant property adjacent to Buick/GMC. Mr. Roth said he is recommending a Public Hearing date of June 9, 2015, based on submittals, request for variance and hearing before the Conservation Commission and is within the 65-day period for the first hearing.

Rene Fleurent, Jr. made a motion to hold a Public Hearing for Carapace, LLC on June 9, 2015 and was seconded by Gary Staffon. The motion passed unanimously.

### Approval of Plans:

1. *Form A* – Steamship Authority – 10 & 14 Main Street

William Roth explained the Form A was approved by the Board last year in May. The Steamship Authority was still working with the owners. It was not recorded within 6 months, so they had to come back and have a new plan signed.

Michael McGrath from Steamship Authority said it is the same plan as before. It is re-dated. They have been doing construction. Mr. Roth said it is strictly for the property lines. Mr. McGrath said there was an encroachment and they are trying to straighten it out and record it. (Reviewing plan).

Rene Fleurent, Jr. asked Mr. Roth if the plans, after reviewing, did they look the same and Mr. Roth indicated they were.

Gary Staffon made a motion to accept Form A and was seconded by Rene Fleurent, Jr. The motion passed 6 in favor and one abstention.

2. *Form A* – Thomas F. & Kathleen Marshall – 8 Winslow Court

Ken Ferreira, applicant's Engineer was present.

William Roth explained the purpose of the Form A is to subdivide Lot 1 into two lots, Lots 1 and 2. They have to be separate lots because of Land Court and the two Certificate numbers cannot be combined. Lot 2 will be attached to and be a part of 8 Winslow Court. Lot 1 will be conveyed and to be part of Lot 2. The frontage has not changed.

Mr. Ferreira explained that in the future the owner, Thomas Marshall, may wish to sell No. 8 not knowing the previous owner had encroached onto his land. This would cure the encroachment and give it a nicer yard and make easier to sell. Lot 2 is also owned by Thomas Marshall. (Discussion ensued.)

Jeffrey Lucas made a motion this is not subdivision and approve the Form A and was seconded by Mr. Fleurent, Jr. The motion passed unanimously.

## C. PUBLIC HEARINGS

1. *Special Permit* – Mill Bridge Holdings, LLC – 200 Mill Road (Cont'd from 3/24/2015),

William Roth recommended continuing to May 26, 2015 at the request of the Applicant.

Gary Staffon made a motion to continue the hearing to May 26, 2015, and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

2. Special Permit – Brahmin Leather Works #4 – 77 Alden Road (Cont'd from 3/24/2015)

Mr. Roth recommended continuing to June 9, 2015. The Conservation Commission may be making changes, so it could change the layout and if so he will re-notice it when they are ready to go.

Gary Staffon made a motion to continue to June 9, 2015, and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

D. LONG RANGE PLANNING

1. Master Plan Discussion

Mr. Roth indicated there is nothing new and will keep it on the agenda.

Mr. Fleurent would like to see more done with Master Plan than just discussion and be more aggressive in pursuing the Master Plan and wondered if the Board would like to entertain a Sub-Committee or group. There are 9 critical elements that need to be addressed and they are looking at 2017 for completion.

Mr. Hayward asked if a small Sub-Committee would work and Mr. Roth said a smaller committee would work, but a lot comes from public engagement.

Mr. Hayward is waiting to compile a data base which includes all present day plans within possession of the Town and that be used as springboard of where to direct attention to and a Sub-Committee would need those documents as well. Mr. Hayward would like to see a list of the documents and Mr. Roth said he would have it compiled by May 26, 2015. Mr. Fleurent would like to see plans and/or reports himself.

Wayne Hayward said this document says this falls under planning board as a whole.

Mr. Fleurent, Jr. conveyed that once they have something in place, it may create a larger interest in the Town to move this forward. (Discussion ensued.)

Gary Staffon asked if Green Communities Act would be part of this and Mr. Roth said no. The Town meets a lot of the requirements, but could not meet the 20% reduction requirement. If the Town had done it in 2006, they could have taken credit for a lot of the reductions that have occurred. They would have to start from today and figure 20% from that. If had done in 2006, they probably would have come close to 10-15%. The Town has done a lot of things, but at this point, for the Town to pledge to reduce energy consumption by 20%, is impossible.

Mr. Hayward does not see it as a Master Plan item.

2. Auto Dealer Use – Potential Zoning Amendment

Mr. Roth indicated he has not worked on it but knows the direction he needs to go.

Mr. Hayward said they need to look at the bylaw, feels it is a little more encompassing and feels there is more work involved.

Jeffrey Lucas said some of the other towns have multiple levels of zoning and feels it is helpful. They separate out further and we do not have the flexibility with zoning and feels it should precede the changes to the Bylaw.

William Roth said neighborhood commercial zoning would encourage and allow small businesses, like Mac's Soda Bar, Mom and Pops stores. The zoning that regulates those uses also regulates large business such as Walmart.

Wayne Hayward said it also involves language if they want it to involve retail. (Discussion ensued.)

Mr. Roth said that would be good project for Sub-Committee at this point. Mr. Hayward feels it is very pressing.

Wayne Hayward said they need to regulate density in Fairhaven according to parking. They have a trigger for Special Permit.

Rene Fleurent, Jr. asked about a sub-committee and Mr. Roth said they should entertain a sub-committee for looking at the various zoning districts. Mr. Hayward feels it should go to Town Meeting as soon as possible.

### 3. *Performance Bond – Special Permit*

Mr. Hayward put on agenda and noted there is some difficulty with 40A, whether the Board can require performance bonds and is wondering if they got legal opinion. They have the funds to do it.

Ann Richard asked if any other Massachusetts communities have performance bonds and Mr. Hayward said they do, but are complicated and they also have a site plan.

Mr. Roth said he has a document with different town's feedback. A vast majority of replies were, our building official will not issue a Certificate of Occupancy if there are outstanding issues.

Mr. Hayward would like to seek legal opinion.

Ann Richard asked if they were to decide to do this, would it be for a specific Special Permit or all of them, how do you decide and Mr. Hayward said the Board would have to develop a policy. They want to work together with the Building Commissioner. Mr. Lucas noted it also protects against abandonment. (Discussion ensued.)

Kaisa Cripps made a motion for the Chairman and Mr. Roth to move forward on pursuing legal opinion on the use of Performance Bond for Special Permits in the Town of Fairhaven and not to exceed current FY 2015 budget and was seconded by Wayne Hayward. The motion passed 6-1.

### 4. *Benoit Square Corridor Plan*

William Roth presented the award letter and scope of services from SRPEDD. Mr. Roth said he met with SRPEDD Planners on Monday and walked the corridor and talked about corridor plan from Howland Road to Dover Street to vacant church property. He indicated that he wrote the grant to look at land use and potential zoning changes. It is residential and commercial district and they are trying to figure what would be better zoning and how to revitalize the district. There will be a public workshop and meeting with the Planning Board and recommendations they can take and work with. It has to be finished by December 31, 2015. (Discussion ensued.)

Kaisa Cripps asked if it would address traffic issues and Mr. Roth said some of it, but there are very few traffic improvements they could make. Mr. Roth indicated he wanted the Board fully aware of what was written, the expectations and what they are looking at doing.

Wayne Hayward asked what the time frame was and Mr. Roth noted they are looking at a July Public Hearing. Mr. Roth indicated he wants to have the first Public Meeting at that NFIA building, in the neighborhood, refine it and then schedule meeting in front of the Planning Board and finalize in October/November. It is valued at about \$25,000 in support services.

### **E. CORRESPONDENCE:**

None.

**F. OTHER BUSINESS:**

1. Special Permit – EJs – Zoning Enforcement discussion

Wayne Hayward did draft a letter for EJs to review and feels there should be no action at this point and they should look at what has and what has not occurred. Mr. Hayward noted it should be put on the executive session on the next agenda.

William Roth noted he did meet on site with the attorney on the 18<sup>th</sup>.

Kaisa Cripps said they were allowed to have picnic tables in the actual parking lot and Mr. Hayward said they needed to look at the actual plans. Mr. Roth said the only picnic tables proposed were the ones near the ice cream parlor and Mr. Markey was made aware of it. They went over everything on the list. The parking spaces have been striped. Mr. Roth said they discussed some recommendations and Mr. Roth recommended regarding the landscaping that has been done, that he formally ask the Board. (Discussion ensued.)

2. Welcome Street – modification

William Roth indicated when they were finalizing the street acceptance Article; and realized Welcome Street from Route 6 was never officially accepted. They have given a modified plan and legal description and it will be at Town meeting and it will be a motion to modify.

Gary Staffon asked if there was an easement on Welcome Street to the Mariner Soccer Fields and he noticed drainage pipes dug out of there. Mr. Roth indicated it was a private easement.

3. SRPEDD – Annual Meeting – May 27, Fall River Country Club

William Roth noted it is \$40/per person and will prepare a voucher for the next meeting on who will be attending, but would like to know by the end of the week.

Rene Fleurent, Jr .gave a quick report on the last SRPEDD April 22, 2015,meeting. They were notified that long time Secretary, Nancy Bumbaugh put in papers to retire. There was a lot of discussion on population as they are expecting projecting population and employment growth in the Commonwealth and employment growth.

They had Speaker, Jean Fox, Project Manager of the South Coast Rail Project. The project is a huge economic plus to the Southeastern Massachusetts and they are trying to get this project rolling. Mr. Fleurent has a presentation via email. Mr. Fleurent said it is quite eye-opening as to how much of an impact it would mean to this area and a very positive thing. Finally, Executive Director, Stephen Smith, is retiring, June 30, 2015, and there was a personnel committee put together to find a replacement. They could not find candidate to replace Steve and the interim resolution was to appoint Deputy Executive Director, Sandy Conaty. She was approved as Interim Director not to exceed nine months.

Gary Staffon made a motion to adjourn and was seconded by Rene Fleurent, Jr. The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Tracy White,  
Recording Secretary