



FAIRHAVEN PLANNING BOARD

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Fairhaven Planning Board *Minutes*

FAIRHAVEN,
MASS.

Tuesday, October 27, 2020 – 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification** – Mr. Farrell opened the meeting at 6:38p.m. and advised the meeting was being recorded and going out live.

b) **Quorum/Attendance: Present:** Chairperson, John Farrell, Vice Chairperson, Wayne Hayward, Jeffrey Lucas (arrived at 6:41pm due to technical difficulties), Cathy Melanson, Rene Fleurent, Jr. and Jay Malaspino and Geoff Haworth (arrived at 6:41pm)

Absent: None

Mr. Foley, Town Planner was also in attendance.

c) **Minutes:** October 13, 2020 – Cathy Melanson made a motion to approve the minutes as presented and was seconded by Rene Fleurent, Jr. The motion passed unanimously via roll call vote.

d) **Planning Board Bills** – None.

e) **Correspondence:** Letter from Derek Maksy and letters of interest regarding vacancy on Planning Board.

Mr. Farrell advised there was a vacancy on the Planning Board left by the resignation of Jay Simmons. It is an appointed seat and must be filled through a joint meeting with the Board of Selectmen. Mr. Farrell explained the person that would be filling the seat now, would then have to take out papers and run in the next election in April 2021.

Mr. Foley advised that Jessica Fidalgo sent a letter of interest. Mr. Foley will be in touch with Mrs. Oliveira in the Select Board office to get on the next Select Board meeting on Monday November 2.

Mr. Foley stated there has been email correspondence from Mr. Maksy regarding the properties at Starboard Drive. Mr. Foley reviewed the unaccepted street, approximately 10.5 acres with 5 houses on the property. Mr. Maksy wants to subdivide the property into individual lots and do an ANR plan around the existing houses. Mr. Maksy says he wants the Board to tell him whether "Starboard Drive" is an accurate "way."

Mr. Foley said he checked with the Town Clerks office and Starboard Way is not an accepted way. There are no subdivision plans in the files for this property. He talked to the DPW and they said they do plow that

drive and it is connected to Town water. It appears to be a family compound. Mr. Lucas said he went by there, he said there is a fire hydrant there. He doesn't think it's an accepted way up to Town's standards.

Mr. Hayward asked where the roadway is on the map, as it is not identified. Mr. Hayward states the property has to abut a "right of way"; he said it has never been established as a roadway. He said it does not exist, so they cannot do an ANR.

f) **Complete Streets Advisory Committee Appointments:** Mr. Foley discussed the Complete Streets Advisory Committee and is looking for a Planning Board representative. So far the Police Chief, John Charbonneau and Vinnie Furtado from the DPW, Warren Resenhausen from the Recreation Department and Mr. Foley have agreed to be on the Advisory Committee. Mr. Foley has also asked for representatives from the Sustainability Committee, Wellness, Schools, and the Fire Department.

Mr. Foley said the he had been asked by Mark Rees for a member of the Planning Board to be on the Town Administrator Screening Committee. Mr. Farrell stated he would be interested in being that representative.

Jeffrey Lucas made a motion to appoint Mr. Farrell to represent the Planning Board on the Town Administrator Screening Committee and was seconded by Rene Fleurent. The motion passed unanimously via roll call vote.

2. PUBLIC HEARINGS:

a) Public Hearings: Continued from September 9, 2020

i. **SP2019-13-Lewis Landing/Huttleston** -- Continued Proposal to create twelve (12) 2-bedroom residential units in four buildings on 2.5 acres on Huttleston Ave (Map 31, Lot 117C)

Mr. Farrell opened the public hearing for SP2019-13 the Lewis Landing proposal on Huttleston Avenue.

Mr. Foley presented the Staff Report again since it had been so long since actually holding the continued public hearing which started September 21, 2019. Mr. Foley presented a slide show which illustrated the area and issues with the property just west of Gellette Road on Route 6. The proposal is to construct 12 residential units with a total of no more than 24 bedrooms. Included in the slide show were pictures of a corner of the land that was wet and the non-functional manhole. The apartments are approximately 500 square feet per floor on 2 floors with 2 bedrooms each.

He discussed the condominiums document that had been submitted recently and the master deed that still had to be reviewed by Attorney Tom Crotty. Mr. Crotty has reviewed a bit and has suggestions on the master deed. Overall he approves of the form but wants the Master Deed noted in a number of locations within the Condominium Documents.

Engineer Richard Rheaume was present for the applicant and explained how they are going to infiltrate the water off the roof and through the water basin. He said there would be an increase in the volume of runoff but that it would be released at a slower rate.

Mr. Fleurent said he is concerned about that curve in front of the school, where it is very dangerous.

Mr. Hayward expressed concerns about the water problem on the site, because the proposal creates a 55% increase in the stormwater runoff. He said he feels the site is poorly laid out, the buildings should be closer to the street, facing Route 6. He said the Planning Board has heard numerous complaints from neighbors

that get water now in their basement and at 55% more water volume, they are going to get increased water levels. "I just can't see the planning board flooding that neighborhood more than it is," Mr. Hayward said.

Mr. Rheume said that the water runs southerly, picking up all that water and treating it and bringing it to the west side of the sight away from neighborhood. He said once the manhole is fixed and sealed the flow of water will be ½ of what is happening now and the water will be contained in the system.

Discussion ensued. Mr. Hayward stated there is a lot of homes in this area and the run-off water is a big concern but not his only concern. Mr. Hayward said in the thirty years of reviewing projects the only waivers he can recall to the requirement that there is no increase to the volume of the runoff has come from this engineer this year. The other project had the advantage of releasing in the State Highway drainage ditch. This site releases into a neighborhood that has flooding issues already.

Mr. Rheume stated he is willing to raise the ground water table by recharging more water.

Mr. Hayward said he should be infiltrating more water and that yes raising the water table is one option; but a second option is do what you're proposing by increasing the water table on your own sight instead of flooding off site into the neighborhood.

Mr. Rheume said that the goal was to infiltrate the water on their site only.

Mr. Hayward believed the goal was to not flood the neighbors around the site.

Mr. Rheume said they would revise the plan and add infiltration chambers underneath the parking lot.

Mr. Lucas said that he hates to see a project wound so tight that there seems to be no foresight on how things may change down the road with more large storms.

Mr. Rheume asked for a continuation.

Mr. Haworth stated his major concern was about the traffic exiting in/out of this property and the ideal situation was to exit at New Boston Road.

Cathy Melanson said she agrees with the water issue and if he comes back with modifications she'd be happy.

Jay Malaspino also agreed on the water modifications.

John Farrell stated he has concerns with the stormwater and the traffic at this location. If a light can be established at the New Boston Road entrance that would be helpful and is also concerned about the traffic access.

John Farrell asked if there was anyone who wanted to participate from the public.

Mr. Fleurent wondered aloud if the applicant would be amicable to less than a 12 units, where as it would create less traffic entering and exiting.

Mr. Foley asked the Board if they want him to send the revised plans directly to GCG for peer review before the December 8, 2020 meeting; to which the Board members said yes.

Resident, Nate Bekemeier was on the call and expressed his gratitude to the Board and thanked them for doing their due diligence reviewing this property and it would affect he neighborhood.

Cathy Melanson made a motion to continue to December 8, 2020 at the applicant's request and was seconded by John Farrell. The motion passed via roll call vote 7-0.

4. LONG RANGE PLANNING:

a) **Town Planner update:** Mr. Foley advised there were two Chapter 91 licenses to review. One was at Wigwam Beach Road and the other at Casey Boat (which is a part of Fairhaven Shipyard).

Mr. Hayward explained the Chapter 91 license and how they the comments are relevant to the Planning Board.

Mr. Hayward stated that the comments from the Planning Board should advise that Wigwam is going over the 75' maximum regulation per zoning.

Mr. Foley stated they received it a few weeks ago, but just received the electronic file yesterday and they have 45 days to respond. He noted that according to the Use Regulation Table all private docks and piers require a Special Permit.

Mr. Foley explained the Casey Boat property of a 12' long platform to a 20' long gangway ramp leading to a 90' long float for the Buzzards Bay Rowing Club at the corner of Union Wharf. The Planning Board had questions about parking in that area and exactly how it connects to the land. Do people access from Union Wharf or Casey Boat. It also would appear to require a Special Permit. This one in the Industrial District would be from the Planning Board whereas the Wigwam one would be from the ZBA as it is in the Residential District.

Mr. Lucas expressed his concern that this is a proposal for a recreational use in the Designated Port Area.

Gas Station Easement Update:

Mr. Foley stated that Mr. Carrigg brought in the recorded document and he is doing a final read of it to ensure the language is what was agreed upon before he signs off on the Certificate of Occupancy.

Mr. Farrell asked if there was a more permanent Building Inspector in Town Hall yet?

Mr. Foley stated he was in this afternoon and he and Ms. Pacella sat with him to review a possible new online permitting system. Mr. Foley said that Mr. Carmichael is very knowledgeable and experienced. He is due to start officially on Monday November 2, 2020.

Mr. Farrell asked that Mr. Foley invite him to their next meeting on November 10, 2020 to meet the Planning Board.

Mr. Foley said he will and that they are going to work together. For example, Mr. Foley has offered to prepare a few slides for the Zoning Board meetings to give people a more in depth look at exactly what the plans are for the variances being requested illustrating how and where they diverge from the bylaws.

Mr. Foley stated there are a few subdivisions that may be coming forth soon. He also would like to begin to present to the Board a few by-laws for the Spring Town Meeting. He said that things continue to move on the Rt.6/240 Study. He advised that pre-construction will begin in December at Union Wharf. Mr. Foley stated he had a meeting with the Oxford School group regarding the cupola. Selectman, Mr. Silvia volunteered to repair it. The Stratford Group plan to begin work on the redevelopment of the Oxford School in March 2021.

Mr. Foley said that he and the interim building commissioner met with the owner of the Bijou Theater and his attorney and put into place what can be done at this time and what needs to come to the Planning Board. Mr. Foley explained the work that will be done currently is the awning off the front and windows and commercial doors. They will seal it up for the winter. Mr. Foley stated that per Tom Crotty, the Town has determined that the apartments are an abandoned use and his attorney is saying it is not. Mr. Foley also informed the owner and his lawyer that the proposal requires a Special Permit from the Planning Board based on Section 198.29. He will keep the board members posted on future developments.

Other business:

In other business, Mr. Hayward wanted to relay his dissatisfaction with Town Meeting regarding the G. Bourne Knowles property rezone. He said the applicant came before the Planning Board for a recommendation, paid all the legal advertisements, brought it and discussed it with the board. The Planning Board recommended the zoning change 5-1 and that was never relayed at Town Meeting. He said the only person that spoke for it was the applicant's engineer and that Mr. Foley should have also made a recommendation from the Planning Board. He said he did not understand how that was missed and was surprised no one asked what the recommendation from the Planning Board was.

Mr. Foley stated he submitted the report but did not discuss at town meeting because in this case the applicant made the presentation. He added that he should have reported on it and apologized for not doing that and it will not happen again.

Mr. Hayward stated any time there is a zoning amendment the Town Warrant should say recommendations of the Planning Board and not the Finance Committee. The Planning Board should be involved in every Town Meeting zoning bylaw. Mr. Farrell noted that he was in line to speak when someone called the question. Once someone calls the question and is seconded it does not matter if you are on line to speak.

Cathy Melanson made a motion to adjourn and was seconded by Wayne Hayward. The motion passed unanimously at 9:08p.m.

Respectively,

Patricia A. Pacella
Recording Secretary