



# FAIRHAVEN PLANNING BOARD

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Fairhaven Planning Board  
*Minutes*

FAIRHAVEN,  
MASS.

Tuesday, January 12, 2021– 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 6:34 p.m. and advised the meeting was being televised and recorded and read the amended Open Meeting Law announcement with respect to the State of Emergency

b) **Quorum/Attendance** (via Zoom remote platform): **Present:** Chairperson, John Farrell, Vice Chairperson, Wayne Hayward, Jeffrey Lucas, Cathy Melanson, Jessica Fidalgo, Rene Fleurent, Jr., Jay Malaspino and Geoff Haworth

**Absent:** None

Mr. Foley, Town Planner was also in attendance in the Banquet Room.

c) **Minutes:** December 8, 2020 – Cathy Melanson made a motion to approve the minutes as presented and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote with Geoff Haworth and Jeffrey Lucas abstaining as they were not present.

December 22, 2020 - Cathy Melanson made a motion to approve the minutes as presented and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote with John Farrell and Geoff Haworth abstaining as they were not present for the meeting.

Mr. Hayward lead a discussion on who was taking the minutes and referenced that they have had a past experience with people who have never taken the minutes before and not working out. He reflected that the person who has been doing the minutes for the last two years, should be the elected Planning Board members choice to continue. Mr. Farrell also advised Mr. Foley that they have struggled in the past to maintain a recording secretary and he understood Mr. Hayward's frustrations. Mr. Foley stated he would discuss and inquire about the minute taker and agreed the board doesn't want a different person every week and wants consistency.

d) **Planning Board Bills** – Staples, \$256.15 for office supplies. Jeffrey Lucas made a motion to pay Staples the \$256.15 and was seconded by Wayne Hayward. The motion passed unanimously.

e) **Correspondence:** Richard J. Charon, P.E. re: Map 19, Lot 19 Beach Street.

Mr. Foley stated that Mr. Charon sent a letter regarding the above property on Beach Street. He reviewed the project and inquired as to how they handle the unaccepted way that is also unimproved. Mr. Charon stated the applicant wants to build a house on Beach Street and they are asking for waivers on the street

standards. Mr. Foley said he wasn't sure how to go about going through the process. He said he has had a conversation with Town Counsel, Tom Crotty who said that there should be an "administrative procedure" process whereby Mr. Foley would be able to approve or process the request. He said he did not agree that there was any process that allows for that and presumes that if they want waivers from the Subdivision they need to go through that process. The proposed access would be from Alpine whereas there is an existing dirt access from Newbury Avenue. The property was approved a few years ago as a rezone from Industrial to Residential and it was described at the time as having 150' frontage even though it is a paper street that has never been accepted.

Mr. Hayward stated that they are asking for one lot subdivision waivers from the Planning Board, from Chapter 322. He said it was a pretty straight forward process and Mr. Charon would have to put in for a one lot subdivision.

Mr. Farrell opened it up to the board for comment. Mr. Lucas concurred with Mr. Hayward's statement.

Mr. Charon was present and stated that no one seemed to know how to proceed.

Mr. Hayward stated there are homes on Newbury Avenue and it was never a paper street. He said they are asking for waivers from Chapter 322, and he recommends that the applicant file for a one lot subdivision.

Mr. Charon stated he would resubmit for a one-lot subdivision.

Mr. Hayward wondered why they were coming in from Alpine Avenue versus Newbury Avenue. He said Alpine Avenue is vegetated, has fences and a pool. He wasn't sure why they would not continue to come in from Newbury Avenue.

Mr. Charon said that the property has a lot of wetlands and the project was pushed into the Southeast corner, so in order to minimize the work they had to go through Alpine Avenue, and the water line had to come through from Alpine Avenue from Sycamore Street.

## 2. PUBLIC HEARINGS:

### a) Receipt of Plans:

- i. **DS 2021-01 - 46 Sconticut Neck Road (Alves) Definitive Subdivision:** Definitive Subdivision Plan to demolish a house and create an 8-lot subdivision located at 46 Sconticut Neck Road. Public Hearing scheduled for February 9, 2021.

Mr. Foley said the information was on the website. He said they are coming forth on February 9, 2021 for a public hearing.

- ii. **SP2019-15 Mazda** - Signage Plan Review.

Mr. Foley said that Mazda has resubmitted their signage plan review. He said the right arrow now states "right turn only" at the island.

Richard Rheume stated they moved the stop sign closer to Bridge Street and moved the 'stop' that was painted on the line closer to Bridge Street.

Mr. Hayward asked if there was a detail plan summary, to which there were listed on the plans.

Mr. Foley stated they could review up to four years if need be at this Mazda location.

Mr. Hayward made a motion to approve the signage plan for the Mazda Dealership and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote.

iii. **G. Bourne Knowles Rezone** - Preliminary discussion with Planning Board regarding revised plan for rezone

Mr. Foley advised that there were some concerns for the rezone at the most recent Town Meeting. He said they would like to come back for a rezone with a conservation restriction and rezone most of the big lot and the house lot. He said the plans shows a large building with primarily for Neimic Marine on the lot with a more specific plan than before. He said the Applicant would like to get the board's feedback to move forward before a public hearing and Town Meeting.

Mr. Rheume was present to discuss the building and plans that were submitted for this rezone. C.B. Beckman and Niemic Marine building would be housed on the lot. Bourne Knowles would also stay on the lot as well. He said that there would be conservation restrictions on the lot as well.

Mr. Fleurent asked about the conservation land as outlined on the plans.

Mr. Hayward asked why they were looking at a building on the plans if this is a rezoning issue. He was concerned that they could put any buildings in there once they got the rezone. His concern was for Peirce's Point.

Mr. Rheume stated previously when they came before the Planning Board there was a concern for a defined easement on the property, that's why they have put specifics down on the plans.

Mr. Lucas was happy with the commercial layout. His concern was Peirce's Point and didn't want to see a 50' curb cut going across where trucks might be in/out of the area. He said it was a zoning issue and not a special permit issue.

Mr. Rheume stated they would define the roadway easement.

Mr. Hayward explained this was a conceptual plan before the board and concurred with Mr. Lucas. He said they are requesting a zoning change to go from RC to Business and that is the only thing Planning should be being asked to review. He said they should definitely not be showing any zoning violations on the plans, in referencing that 'warehousing' is not allowed in the Business District, only Industrial. Mr. Hayward said if this plan is what is shown at town meeting that he would be objecting to the zoning violations set forth on the plan. He said he doesn't like to see zoning violations on the plans. He said he believes that the Planning Board voted in favor of it last time but unfortunately Town Meeting never heard their report.

Mr. Rheume stated that part of the reason to show the conservation area was the negative response from town meeting they received on the impact of the bike trail and the Riverside Cemetery, so that's why they are including that on the plans. He said the plans answer the majority of the concerns that were raised. He advised what the intention was of the applicant.

Discussion of what was allowed in Industrial or Business zoning, boat yard or boat storage.

Mr. Rheaume stated that perhaps he misspoke when in explaining what was going there. He said that C.E. Bechmen is a supply house with a retail house in the front of the building. He will revise the plan so that it is not identified as a 'warehouse'.

Mr. Foley suggested a date late February early March for a public hearing.

- iv. **Public Hearings:**
  - i. **SP2019-13-Lewis Landing/Huttleston Multi-Unit Rentals:** Continued Public Hearing on proposal to create twelve (12) 2-bedroom rentals in four buildings on 2.5-acre on Huttleston Ave (Map 31, Lot 117C)

Mr. Farrell stated the applicant has asked for a continuance because the peer review is not complete.

Mr. Foley stated that another peer review was scheduled, and GCG should have the peer review done by the end of this week. He said that he has asked the applicant to attend a meeting to hear the other concerns of the board.

Cathy Melanson made a motion to continue to January 26, 2021 per the applicant's request and was seconded by Mr. Fleurent. The motion passed unanimously via roll call vote.

### 3. CURRENT PLANNING:

#### a) Possible New Bylaws for Review

Mr. Foley stated that he, Mr. Hayward and Mr. Carmichael have met several times. Mr. Carmichael was also in attendance. He said they are working on draft language for the Short Term Rental (STR) Bylaw.

Mr. Foley also discussed the Community Impact Fee (CIF) statute - in conjunction with a Short-Term Rental Bylaw, would be a CIF Bylaw that would allow the Town to assess up to 3% on the Short-Term Rental in addition to the 6% rooms tax that applies to all Short Term Rentals.

Mr. Carmichael stated that he would most likely need to hire a local inspector to enforce this bylaw. Mr. Foley stated they will have draft language for the CIF as well at the next meeting. He explained how the discussions were happening around the questions they had and bring back to the board for core issue discussions.

Mr. Foley discussed the solar canopies bylaw - to allow for solar canopies to export energy in I and B districts as accessory use. He said right now there is a request for a solar canopy on Alden Road.

Mr. Carmichael stated he has advised the Alden Road folks that a Special Permit is required for the Solar Canopy's. He reiterated that he is in favor of the Short-Term rental bylaw, however that he would definitely be vocal at Town Meeting that he would have to hire a local inspector to assist in enforcing this by-law.

Mr. Foley said that the CIF would be able to assist in the cost of paying a local enforcement officer for Short term rentals. Mr. Farrell asked Mr. Carmichael if he thought the Board of Health inspector(s) could assist with that part of enforcing the bylaw.

Mr. Carmichael said he is currently working ten to twelve hour days to keep up now and the department (both Building and Board of Health) are one man/woman departments. He said he doesn't want to be negative about the STR Bylaw, but he does want the fees to be able to pay for an inspector to enforce it.

Mr. Foley said it is a bylaw that they need to look at proceeding to town meeting. He said they want to allow it to a certain degree but also to control it so that we do continue with the negative impacts such as rising rents and disruption of residential neighborhoods. They also have an impact to the local hotel industry.

Mr. Farrell stated the local hotel is advertising as a long-term rental unit, as advertised on Facebook Marketplace. Mr. Foley stated he has discussed different options with both the Seaport and Hampton in different explorations.

Mr. Lucas stated he was concerned about the oversize garages he is recently seeing going to zoning board of appeals and would like to know how many get converted to apartments.

Mr. Hayward stated that Mr. Foley advised him there could be money in the Planning Budget to help pay Town Counsel to review the draft bylaw. Mr. Hayward said he didn't agree with that and all these years they have never been charged for town counsel to review a draft bylaw. He said that Town Counsel has been in many meetings as of recent and that is a line item in the Select Board budget and should be paid for by their line item.

Mr. Farrell stated it was the first he was hearing about it and he would look into if in fact this was a new process.

#### b) Town Planner Update

Mr. Foley stated they received one bid for the Roger School on January 11, 2021 - from Relish & Lanagan. He has put it up on the website and reviewed images with the members briefly. 62 units proposed, addition off the back for persons over 55. 8 units in the school itself on the 2<sup>nd</sup> and 3<sup>rd</sup> floor.

Mr. Foley reviewed the grant for "Complete Streets".

Mr. Foley stated new flood map language needs to be completed by July 6, 2021.

Mr. Foley stated that he has a few mylars that need to be signed from Russell and Reynolds streets. He will arrange a time with people to come around and have them signed.

Mr. Foley stated he received an email from Julio Barbosa who owns the Bijou Theatre who plans to submit the Special Permit for the property at 350 Main Street. Mr. Foley gave a brief description of what Mr. Barbosa wants to do, renovating what is existing and thinks there may be code issues with that plan to keep the residential units as-is. He said there has been some discussion with Mr. Barbosa regarding what needs to be done.

Mr. Foley stated that Crow Island has been approved by the Attorney General and should be coming in for their Special Permit soon.

Mr. Foley gave an overview of the Rt.6/240 Project. He said he applied to Mass Development for a Site Readiness Grant and has done an interview with them recently to get more information.

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote.

Respectively,

Patricia A. Pacella  
Recording Secretary