



FAIRHAVEN PLANNING BOARD

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FAIRHAVEN,
MASS.

Fairhaven Planning Board Minutes

Tuesday, February 23, 2021– 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification** – Mr. Foley stated that Mr. Farrell wouldn't be attending as he had a last minute emergency. Mr. Foley asked Ms. Melanson to take over as the acting Chair for the Meeting. Mr. Foley 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:** Cathy Melanson (Clerk acting Chair), Jeffrey Lucas, Jessica Fidalgo, Rene Fleurent, Jr., Jay Malaspino and Geoff Haworth.

Absent: Chairperson, John Farrell and Rene Fleurent who advised he was on the call since the beginning, but had technical difficulties and joined the meeting officially at 7:18p.m.

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

c) **Minutes:** January 9, 2021 Jessica Fidalgo made a motion to accept the minutes of February 9, 2021 and it was seconded by Cathy Melanson. The motion passed via roll call unanimously.

d) **Planning Board Bills** – GCG - Peer Review for 46 Sconticut Neck Road - \$1,725.00 - Jeffrey Lucas made a motion and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote.

\$240 for Neighborhood News - Jeff Lucas made a motion to pay the \$240 Neighborhood News for Crow Island Zoning and was seconded by Geoff Haworth. The motion passed unanimously via roll call vote.

e) **Correspondence:** Mr. Foley stated there was a letter received regarding the Lewis Landing project and he would sent it out to the board members.

2. PUBLIC HEARINGS:

a) **Receipt of Plans:** Hermeneau Frederick Avenue One-lot Definitive Subdivision - Scheduled Public Hearing for March 23, 2021. Mr. Foley explained that the Hermeneau Frederick Lane, was a one-lot subdivision on a pair of lots that together are undersized and do not have enough frontage. The applicants believe the lots are "grandfathered".

Plans were also received for one lot subdivision on what is labelled as Beach Street. This was a lot that was rezoned from Industrial a few years ago. The public hearing will be on March 23, 2021.

Mr. Foley also said that the Bijou owner has submitted plans to come before the board to start the Special Permit process. That public hearing will be on the first meeting in April.

i. **DS 2021-01 – 46 Sconticut Neck Road (Alves) Definitive Subdivision**: Continued Public Hearing on Definitive Subdivision Plan to demolish a house and create an 8-lot subdivision located at 46 Sconticut Neck Road. Mr. Foley noted that there were an unexpected amount of comments in the Peer Review that they may not have had time to address yet and the PB did not have a quorum this evening and asked if the Applicant would like to move forward. Some of the Peer Review comments were based on changes made by the Army Corps of Engineer since the last time they were before the Conservation Commission. The Applicants are still looking at the Peer Review and asked for a continuance to the next scheduled meeting on March 9, 2021.

Jeffrey Lucas made a motion to continue DS2021-01 46 Sconticut Neck Road to March 9, 2021 per the applicant's request and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote.

ii. **SP 2019-13 – 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. Foley explained there is no quorum to have the meeting and basically they would have to continue to March 9, 2021 per the applicant's request. Mr. Kohm, Engineer was present and understood, he asked for a continuance.

Jeff Lucas made a motion to continue SP 2019-13-Lewis Landing to March 9, 2021 at the applicant's request and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote.

3. CURRENT PLANNING:

Possible New Bylaws for Review: Draft Short-Term Rentals, 198-33 definitions, MS4 mandatory update; NFIP mandatory update.

Mr. Foley stated Mr. Carmichael, Building Commissioner was present for a discussion on the zoning definitions and short-term rental (STR) discussion. Mr. Foley found other communities in Massachusetts that only allowed short-term rentals in owner occupied dwellings. He discussed the different Massachusetts examples of Short-Term Rentals. Mr. Foley explained the changes to the 198-33 definitions. He stated there are a few inconsistencies that Mr. Carmichael and he reviewed that the Building Commissioner is requesting to ensure consistency and make regulating short term rentals more straight forward. They would like to add to the entire state definition in MGL of 'variance' to the Towns definition which does not include the more specific language of the State.

Ms. Fidalgo asked about the community impact fee in regard to the state law with 2 to 3 law family, and does not mention single family. Mr. Foley said he added single-family to the states definition because we

are talking about restricting STR to owner-occupied homes or duplexes. We are talking about not allowing professionally managed so he removed that step of the Community Impact vote. He said he would need to check to make sure that is okay.

Mr. Lucas shared concerns on perhaps having a policy book on how to do rentals, but not sure it belonged within the zoning by-law specifically. He said he was concerned about renting "by room only". He said it should be listed in the by-law. Ms. Melanson stated she agreed. Ms. Melanson stated that some thought needed to be processed about an Airbnb on a boat. She suggested a 'rules/regulations' pamphlet be available when they register their home for a short-term rental.

Mr. Lucas said they need to decide whether or not they go into the zoning bylaws or just a book of regulations. Ms. Melanson requested speaking to Mr. Cox regarding marina's and boat regulations of rentals.

Mr. Haworth typed in the group zoom chat that he will be off the call as Comcast is working on his service.

Harbormaster, Mr. Cox joined the meeting at 7:18p.m.

Mr. Lucas asked about his concerns about people who rented a boat as a short-term rental. He said he doesn't want to create a situation where people can just rent out their boat for a short-term rental. It raises a number of concerns such as pump outs and the safety of getting to a boat and falling overboard.

Mr. Cox stated that perhaps at a private marina it may not be allowed. He will reach out to Fire and Police and get their thoughts as well as he has had some discussion with Mr. Carmichael and Mr. Foley.

Mr. Lucas said he wouldn't allow short-term rentals on a boat, period. He said they shouldn't be able to create business opportunities to create short-term rentals as it would be detrimental to the economy as well.

Mr. Foley stated they should limit to owner-occupied and figure out how many nights/days a year is reasonable. They don't definitely want to have speculators buy a house and turn it into a "personal hotel".

Ms. Fidalgo noted the state mandates people to keep records for two years and they can request that as well.

Mr. Lucas said there was no quorum at this point, at 7:32 pm to continue the conversation.

Board member, Rene Fleurent rejoined the meeting at 7:33 pm and stated he had been on the call since the opening of the meeting but was having technical difficulties.

a) Town Planner Update: Complete Streets Policy & Plan; Bask Opening; Rogers & Oxford School Updates; Online Permitting;

Mr. Foley stated that the Complete Streets Policy was accepted and signed by the Board of Selectmen and approved by MassDOT. He advised people could review it through the website. He asked if anyone had suggestions they could put comments on the review.

Mr. Foley discussed that Oxford School was moving forward.

Mr. Foley stated that Bask opened this week and he has already had his meeting with Captain Botelho and Deputy Joy Nichols and they voted to allow BASK to move to Phase 2 of the traffic mitigation plan. They had about 100 and 120 people respectively this past weekend.

2. **LONG RANGE PLANNING:**

- a) Town Planner Update: Rt. 6/ 240 Study: 40R Overlay & Community One-Stop for Growth.
- b) **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidaigo. The motion passed unanimously via roll call vote at 7:37p.m.

Respectively,

Patricia A. Pacella