



FAIRHAVEN PLANNING BOARD

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2021 MAY -6 P 12: 19

FAIRHAVEN,
MASS.

Fairhaven Planning Board

Minutes

Tuesday April 27, 2021– 6:30pm
Town Hall, 40 Center Street,
Fairhaven MA 02719

1. GENERAL BUSINESS:

a) Chair's welcome and Media Notification: John Farrell opened the meeting at 6:30p.m. and welcomed everyone. He advised that we are audio and video recording live. Mr. Farrell read the notification of opening meeting law guidance per Governor Baker's order due to the Pandemic.

b) Quorum/Attendance: John Farrell, Jeffrey Lucas, Wayne Hayward, David Braga, Cathy Melanson, Geoff Haworth and Jessica Fidalgo

Absent: Rene Fleurent

c) Minutes: April 13, 2021: draft to be reviewed - Cathy Melanson made a motion to accept the minutes from April 13, 2021 and was seconded by Jeff Lucas. The motion passed unanimously via roll call vote. Mr. Hayward and Mr. Haworth abstained.

d) Planning Board Bills:

\$100 - FNN - Advertising vacancy on PB - Jeff Lucas made a motion to pay the Fairhaven Neighborhood News \$100 for advertising the vacancy on Planning Board and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 7-0.

\$210 - FNN - Advertising Masse & Hermeneau - Jeff Lucas made a motion to pay the Fairhaven Neighborhood News \$210 for Advertising of Masse and Hermeneau subdivisions and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 7-0.

\$100 - FNN - Advertising Bijou SP - Jeff Lucas made a motion to pay the Fairhaven Neighborhood News for advertising of the Bijou Special Permit \$100 and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 7-0.

\$300 - FNN Advertising 3 text amendments- NFIP, 198-31.1, STR/CIF - Jeff Lucas made a motion to pay the Fairhaven Neighborhood News for Advertising in the amount of \$300 and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 7-0.

Mr. Lachat advised through the chat that he will be recording the meeting.

e) Board Elections: PB representative to EDC: Mr. Farrell stated that currently Ms. Fidalgo currently attends the EDC as the Planning Board representative. Mr. Farrell asked for nominations. Jeffrey Lucas nominated Ms. Fidalgo, Ms. Fidalgo accepted the nomination and it was approved unanimously via roll call vote.

2. PUBLIC HEARINGS:

i. DS 2021-03 - Masse Beach Street: Continued Public Hearing on 1-lot Definitive Subdivision.

Mr. Farrell opened up the hearing for DS 2021-03-Masse Beach Street, 1 lot definitive subdivision.

Engineer, Rick Charon was present along with Jillian and Daniel Masse, owners of the lot.

Mr. Charon reviewed the project as a buildable lot and the Masse's trying to build their house there. The lot has been reviewed with Conservation. He stated they did have a surety for the project at the last minute and he believes that has been adequately sustained.

Mr. Foley gave his overview of the project. He stated he has received Mullins from Mr. Braga and Mr. Lucas. Mr. Foley stated the revised plan shows 22' wide gravel road the entire length of the street between Alpine and Newbury Avenue. He stated the applicant has signed a form D covenant. Mr. Foley reviewed the comments from the other Town Departments. The Highway Department stated the road will remain private. Mr. Furtado stated a pre-construction meeting will take place prior to construction. Ms. McClees stated that there is an order of conditions on the project. Mr. Foley reviewed the waivers that are being requested.

Mr. Lucas asked if the applicant would be agreeable to planting two trees to replace the one tree they are removing. Ms. Masse stated that part of the order of conditions is that they agreed to replace the one tree with two trees. Jeffrey Lucas stated there is no need for a waiver of trees from the Planning Board if there are trees specified from the order of conditions from Conservation.

Mr. Foley stated there are seven waivers that are being requested. He reviewed the standard conditions of a definitive subdivision. There were no additional comments from the owners or Mr. Charon.

Mr. Lucas asked where there was going to be a private road, they wouldn't have to put a thru way correct. He stated it is not a public street.

Mr. Hayward made a motion to approve the Beach Street one-lot subdivision with the normal conditions and seven waivers as identified and the surety covenant that the owners have signed and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 7-0.

ii. DS 2021-02 - Hermeneau Frederick Ave: Continued Public Hearing on 1-lot Definitive Subdivision

Mr. Foley reviewed the project and stated this is a paper street for a one lot definitive subdivision. Since the last meeting, the title examiner came in and signed the title abstract that this was a grandfathered lot; signature by John Larsen of Really Rugged Research.

Correspondence from abutter, Mr. Irving advising he was not in favor of the subdivision and asked for certain conditions be issued per his letter and that the waivers not be accepted.

Mr. Foley also received a letter from the building commissioner this afternoon as well that he reviewed 2019 letter and agreed that per the 2019 letter he agrees it is a grandfathered lot.

Engineer, Mr. Ewing also sent a letter that he feels the lot meets the DEP stormwater regulations because the runoff is being slowed down with three check dams and into some trap rock before directed into the wetlands.

Mr. Foley stated the Conservation Order of Conditions was appealed by a neighbor and the DEP issued their own order of post construction conditions.

Mr. Foley reviewed the list of ten waivers they were requesting. He stated the dwelling is a proposed 44' x 28' dwelling on stilts above a concrete slab at elevation 10'.

Mr. Farrell asked Mr. Ewing if there were any changes made to the plans since the last meeting.

Mr. Ewing stated there were no changes. He said his clients have gone through everything to get this as a buildable lot and they believe they have the right to build upon it.

Mr. Farrell asked if Attorney Dailey had any further comment on the project and/or changes. Attorney Dailey stated there were no changes.

Mr. Farrell brought it back to the board.

Mr. Hayward asked Mr. Foley about the title examination and asked if the document that was signed is the document that looked like field notes. Mr. Foley confirmed what was signed was the document Mr. Hayward held up to the screen. Mr. Hayward stated he didn't think it was appropriate to waive all the street standards. He said he wouldn't want to see gravel kicking down Scoticut Neck Road. He said they have asked for a paved apron in the past. He would like to see some trees and other plantings are in order as well. He said he was not in favor of waiving all the requirements as requested.

Mr. Ewing stated he didn't think his clients would be opposed to planting a few trees in that area. He said as far as far as the pavement goes, pea stone is relatively clean compared to regular gravel. He was wondering how many feet Mr. Hayward was thinking; perhaps 20' of apron?

Mr. Hayward said he wasn't in one hundred percent in favor of conservation's gravel request. He does think the street is in need of some green.

Attorney Dailey stated they had no objection to shrubs being put out there. He said trees may grow to block the neighbor's view. He said the home to the left is discharging to Frederick Avenue. The neighbors wrote in the chat they do not have a sump pump that discharges into Frederick Avenue.

Sandy Hermeaneau stated that trees would be an eyesore for the neighbors and would block views and there is no room with the road and drainage.

Mr. Farrell reviewed the apron that Mr. Hayward was requesting.

Mr. Hermeaneau stated Frederick Avenue is lower in that area. He said the plantings would be okay with them as long as there in the swale of the road.

Mr. Farrell opened it up for public comment.

Ms. Irving stated there is a downspout under the ground and they don't have any water problems right now. She stated they do not have a sump pump. Mr. Irving stated they wouldn't want any more trees in that area, and they will look at the final planting plan that will be received by the Conservation Commission. Mr. Irving suggested a paved road.

The Irving's introduced, Tom Irving, who lives in Whitman and is a former Pembroke Planning Board member. He said that he sees a problem with quite a bit of water down Frederick Road and stated that he would suggest pavement for the road. He said there's quite a slope on the road. He thinks there will be a lot of erosion on Frederick Avenue if they make it gravel.

Mr. Ewing stated there is very short grass in that area with sheet flow that goes down there. He said they're only doing about 90' to the lot. He said the water will be flowing slower into the grassy swale.

Mr. Tom Irving stated he'd rather see the road paved. He said he didn't see water retention bases on the road to catch the water.

Mr. Farrell stated that the pavement may cause sheet flow of water.

Mr. Ewing stated they can't put catch basins in a velocity zone.

Mr. Lucas stated he had some concerns as there will be more development in that area if they allow the road and that others will want to do the same. He said he walked the property and brush line and there is a home being built to the North of it. He says he sees there is a bigger issue. He asked who is going to maintain the road. Mr. Lucas was concerned of the future development in the area to the grade. He stated he wasn't sure if even pea stone is okay down there.

Mr. Ewing confirmed that it will be a private road.

Mr. Lucas shared his concerns of the waivers and more development in that area. He said he was not on board with the layout of the road. He said his specific concerns were there were too many waivers. One being that half the roadway is below 13'. His other concerns were the driveway construction, and the pea stone on a slope which will run into the wetlands at the end of the street. The elevation is very low.

Mr. Hayward gave his opinion on the 13' elevation. He doesn't see that as a huge concern here. He said as far as future build out he believes it may happen. He said he is concerned about future build out. He said in 2014 the plan was proposed with a paved road.

Mr. Farrell opened discussion to public comment.

Sharon Simmons of 5 Billy's Way stated she shared some pictures and video that showed water runoff.

Mr. Farrell stated there has been a lot of eyes looking at this project and if the water is going to go anywhere it's going to go down.

Tom Irving asked to see the cross section again on the plans as he is concerned about the erosion.

Mr. Farrell asked about the plantings and if this would be continued.

Attorney Dailey asked if they could leave it to the Conservation Commission for the planting plan.

Mr. Farrell stated he would like to see it on the plan to be approved by the Planning Board.

Mr. Hermenau stated they would be amenable to extend the apron.

Mr. David Braga stated he respects the opinion of the abutters for the shrubs/trees along the road. He said he would be concerned about the pea stone for the road. Ms. Fidalgo agreed. Ms. Melanson stated she would like to see a larger apron.

Mr. Lucas stated he would like to see the larger apron paved to the start of the two abutting homes and pea stone going west. Mr. Haworth stated he agreed to double the apron area and plantings are definitely a better option.

Mr. Hermeneau stated they are amicable to the shrubbery in the swale and extended apron is a better idea. Mr. Ewing requested a two week continuance to finalize plans.

Mr. Farrell made a motion to continue DS2021-02 Frederick Avenue to May 11, 2021 per the applicants request and was seconded by Ms. Fidalgo. The motion passed unanimously via roll call vote.

iii. **RZ 2021-01 - G. Bourne Knowles Rezone from RC to B:** Application to rezone 267-270 Huttleston Avenue from Apartment/Multifamily District to Business District.

Mr. Foley stated G. Bourne and Leslie Knowles are present along with their engineer, Richard Rheume.

Mr. Rheume stated this went in front of Town Meeting last year and was not approved, so they had to get Planning Board approval to go back to Town Meeting. He stated that there is land on the property that will be given for Conservation. He said they would like to go back to Town Meeting for the rezone. He said that he wasn't able to speak at the last Town Meeting and people assumed that all the land was going to be developed and it was not.

Mr. Foley stated there were a lot of concerns at the Town Meeting regarding this change of zoning. This plan tries to alleviate some of those concerns by showing areas that will be put into a conservation restriction and no access to Weeden Road. He said some had concerns about a 'boat yard', but we know now it is Niemiec Marine that is looking into the property. He explained the project shown on the plans would come to Planning for a Special Permit and would have to go to Conservation. He did receive a call from Buzzards Bay Coalition that shows the DEP Wetlands Salt marsh and projected hurricane surge. They wanted to speak with Mr. Knowles about a slightly bigger area to be conserved as the Nasketucket River runs along the west side of the property.

Mr. Foley stated he thought it would be better if the property were rezoned for Mixed Use versus Business for more options. He said there is Lifestyle business plaza across the street and single residence in the area as well. He said this is comprised of three lots. Mr. Foley gave planning concerns.

Mr. Farrell stated the boat yard is not what is in front of us now. He doesn't want to confuse the Planning Board members and/or those watching. He said they really just have to stick to what is the request which is the rezone.

Mr. Lucas stated he would like to see the plans to the southern east of the property line.

Ms. Fidalgo stated that she spoke to residents in that area and they were concerned about traffic in that area if it gets rezoned to Business.

Mr. Haworth stated his concern was East of Peirce's Point, the 200' x 200' square that is surrounded by residents and conservation, and then to add a business in that area would be a concern.

Mr. Rheume stated that currently there are vehicles staged in that area currently used by G.B. Knowles and their do not seem to be any issues. Mr. Haworth stated his concern is in the future it may not be.

Mr. Hayward stated originally zoned business then zone to RC, now back to Business is the request. He stated that Lifestyles Plaza was a cow farm in the 1800's and is a very low area for water. He said he doesn't mind it going back to business, but wishes they'd make up their mind. He said he would support it going back to business.

Mr. Farrell opened it up for public comment, there were no comments.

Mr. Rheume stated that at Town Meeting last year they were curious to know what exactly was going in there and wanted it shown on the permit and that's why they showed the Niemiec Marine proposal on the plan.

Resident, Mr. Henry Ferreira tried to speak but he was having audio difficulties and couldn't speak without the audio repeating in the background.

Mr. Ferreira typed in the chat that he is concerned about what type of business is going to go there.

Mr. Farrell stated that is true and they can't say what's going to go there until they get a special permit request. He said the Planning Board is aware of that same issue.

Mr. Ferreira asked what the difference between Conservation land and Wetland Resource area.

Mr. Rheume stated they would like to get a vote on this tonight.

Mr. Haworth stated he wouldn't be in favor if the 200' x 200' area shown on the plans as being business.

Mr. Knowles was on the zoom meeting as well; he stated there is an abutter letter that approves the area. He said that most of the neighbors are protected by the conservation area. He said they went from RC to Business because of the wind turbines went up they weren't having much luck with the housing units. He said he thinks it's a good partnership to what's going on there and he thinks it would be good for the town.

Mr. Lucas asked who owns Peirce's Point.

Mr. Rheume identified where Mr. Knowles owns the property but north of Ferreira's Peirce's Point is owned by the Town.

Wayne Hayward made a recommendation for adoption of the article to recommend RC to Business District and was seconded by Jessica Fidalgo. The motion passed 6-1, with Mr. Haworth in opposition.

Point of order request by Mr. Hayward to take the high school turf out of order.

b) Other Reviews:

i. **Chapter 65 and Chapter 316 - H.S. Turf:** Planning Board review of High School athletic field change to synthetic turf and new garage/storage structure.

Mr. Farrell took this out of order to review.

Mr. Foley stated this project should have come to Planning Board per Chapter 65-3 and 65-4 as well as chapter 316- procedural rules before ever being put on the warrant for Town Meeting and that never happened. Mr. Foley stated this is a good practice to get back into that these projects need to get back to the process of review by the Planning Board and other boards before a large project goes to Town Meeting.

Mr. Foley reviewed the project and stated a building/garage for bathrooms and showed the proposed location of such. Mr. Foley stated the location of the building was designed by Traverse Architects.

Lance Hill of Pare Corporation and Traverse Landscape Architects, Arthur Eddy were present.

Mr. Eddy reviewed the project and the existing conditions that warranted building code issues and where the restrooms had to occur near the bleachers. Mr. Farrell stated he wanted to see plans that show the actual field and bathrooms. Mr. Eddy stated they also wanted to replace the press box. Mr. Eddy said it's a very tight sight.

Mr. Eddy wanted to confirm they are there for a non-binding review and for an advisory review.

Mr. Farrell stated he is having a hard time understanding why they can't tie into the back end of Larch Avenue versus the front on Huttleston Avenue for sewer.

Mr. Hill stated it was because of the sewer availability.

Mr. Farrell wasn't sure how they could make recommendations off of a presentation but not off of a plan. Mr. Farrell brought it back to the Planning Board members.

Mr. Hayward stated that is a residential area and setbacks may apply. He said it looks like they are creating a new site plan for a conceptual vision for a sports complex and it needs clarification. He said he doesn't like to see PVC roof drains for this site.

Mr. Eddy stated they are matching the structural block of the addition. He is outside of the setbacks for the building. He stated there is a path all the way around for the visitor's side to walk to the restrooms.

Mr. Hayward asked about the stormwater runoff and Mr. Hill stated they are meeting the stormwater runoffs.

Mr. Haworth stated there has been a lot of discussions with Conservation.

Mr. Lucas stated he didn't like where the bathroom/garage building is going right near Huttleston Avenue and it would be a disservice to the Town. He said he wasn't sure that the matching of the building is really matching the architecture to the addition. He said it would be better suited in the back of the field versus on Huttleston Avenue.

Dr. Baldwin was on the zoom call and asked that Mr. Foster would like to speak on their behalf.

President of the FHS Alumni, Robert Foster states he and fourteen trustees did a zoom meeting and reviewed the plans. He stated the restrooms are within the walls of the stadium and they are comfortable with its location.

Ms. Melanson stated she would like to see the restrooms in the back where the old concession stand is and doesn't understand why they can't connect to sewer on Larch Avenue.

Mr. Farrell asked about what the issues are for connecting to sewer on Larch Avenue as well.

Dr. Baldwin apologized if there was confusion on that, they should've been before them before this time. He said they need the facilities and they are open to the best advice and options and so is the group they hired.

Mr. Farrell said his only issue is the location of the bathroom facilities in front of the high school on Huttleston Avenue. He said ideally he'd like to see this moving forward but in an ideal world he'd like to see the facilities in the back of the field, not losing parking and tie into Larch Avenue.

Mr. Hill stated it's not that they can't tie into Larch Avenue but as they were exploring the different locations with a full evaluation. The driving factor is to do it quickly by connecting into Huttleston Avenue for the sewer connection.

Chairman of the High School Committee, Brian Monroe stated the facility in back is the field's concession stand that was utilized as a fundraiser for FAME, parents who run it for the school's music program. He said adding bathroom facilities would increase the capacity of the building. And from a School Committee's point of view they are trying to preserve all facilities in this design.

Ms. Fidalgo stated there was a chat in the room from Mr. Robert Hobson.

Mr. Hobson asked if they have discussed tying in with DPW as of yet.

Mr. Monroe stated that Ms. McClees had stated that DPW Superintendent, Vinnie Furtado had no issues with the tie in of the building.

Mr. Haworth asked if the public works structure sewer/water has been discussed with the board of public works. The answer was no.

Dr. Baldwin said we are listening and hear the comments and thanked the members for their time.

iv. GB 2021 Short Term Rentals & CIP: Continued Public Hearing on a General Bylaw Amendment to regulate Short-Term Rentals (STR) and whether or not to impose a Community Impact Fee.

Mr. Foley reviewed the key issues for the STR. He reviewed the last meeting and what the discussion was per a slide presentation.

The key issues involved:

- Registration would be required, does the Planning Board/Town want STR to only be allowed in an owner-occupied primary dwelling? (Richmond allows owner-occupied right and requires SP for non-owner-occupied)
- No owner shall rent, or offer to rent, any STR prior to registering with the Fairhaven Building Department.
- Limits on number of registrations per owner. Maximum of 1 STR registration.
- Limit on number of days per year, 90 nights per year or more?

Mr. Foley advised the key issues with developing an STR bylaw included whether STR only be allowed in structures in owner-occupied primary unit?

- Could limit number of non-owner occupied units and require Special Permit.
- How many calendar days per year should a unit be allowed to be rented for?
- How many units can one owner, wholly or partially maintain in the Town?
- Should there be a cap on the number of units allowed in Town at one time?
- Should the Town adopt a Community Impact fee up to 3%

He stated both Mr. Lucas & Mr. Haworth filed a Mullins.

Mr. Haworth stated that he felt abutter notifications were important when one of these rentals were in a residential neighborhood. He shared his concern that small businesses were going to be created around town in residential neighborhoods. He liked the idea of one unit per owner. Mr. Haworth stated the number of nights was not a make/break it for him.

Mr. Hayward stated the owners of the properties are not going to be known, and stated he recommended perhaps a cap of 64 total units until December of next year to get the Building Department to capture that about first and then increase that cap in the future. He said they would never know who the owners would be (trusts, LLC's). He said 56 rentals are in Town currently. Regarding owner-occupied, Mr. Hayward stated that whoever is going to operate it has to be home; he said it's really to prevent the out of state owners to have multiple STR's as absentee landlords.

Mr. Hayward stated that there are three articles associated with this bylaw. The first being a general bylaw, STR General Bylaw; the STR Use through the Zoning Bylaw and the third being the community impact fee.

David Braga stated he liked the idea of having an owner-occupied doing it by right as like Richmond did it and then allowing a STR to that. He says he would be okay with either one. He said he wouldn't like the idea of Special Permit on every rental, as that would be a lot of meetings.

Mr. Lucas said he's been thinking of reasonably priced stock to have people live in and this exasperates that problem. He said this will disproportionately affect the sea side of Town, for example not a lot in Fairhaven, but on the seaside of Fairhaven. Mr. Lucas said there was a concern of care free attitude of some of the people that rent. He said he would like to see the rules be more restrictive in the beginning. He said owner-occupied, he would be okay with one to two units. He said he has lot of concerns with the whole thing and not sure how it's going to be regulated.

Mr. Farrell stated it's already happening, the use is happening, but not being regulated.

Mr. Lucas said if it has to be inspected every year not sure how they are going to review every building every year and that's going to be a clog.

Mr. Hayward stated the inspectional services are the Fire department, Board of Health and Building Inspector. He said there are basic safety checks, and could be done by anyone. House rules posted, registration, etc. He said he doesn't see a big load taking place for inspectional services. Mr. Hayward said they are doing it now, at least 56 of them that we know of.

Ms. Fidalgo stated she put a message in chat but her questions were answered.

Mr. Farrell stated he doesn't think they should be overly restrictive on this. On absentee landlords we should hold them accountable, he said he likes the safety checks annually. He said he is not looking to add more work to our staff. He said we don't want to step on the backs of people that want to pursue making investments. He said the abutters have rights as well as the property owners. He said in time they could call the police if there is an issue. He said owner occupied is a non-starter for himself as it's too restrictive. He said it is happening in Town without being regulated. He stated abutters have rights but so do the owners as well.

Mr. Hayward stated a lot of communities and the rationale state-wide is that communities are going to have to start regulating this. He said SNR and most of West Island is going to become short-term rentals. He said he is not looking for the police to enforce this, as there is no bylaw for them to enforce it.

Mr. Farrell asked how he would handle it if a neighbor nuisance was happening; he said he'd have to go to court.

Mr. Hayward stated they would have to create a registry, and this is what the state has envisioned. He said they left this aspect to the local communities to regulate it locally. Mr. Hayward said it is currently prohibited and they are trying to give them the right to run it legally with a registry, use and general bylaw for enforcement. He said we are asking them to apply for a permit, get it inspected and go. He said he does not see it overly restrictive.

Resident, Peter K. of 89 Balsam Street do have a short term rental property and he thinks the conversation that is happening is a little bit disassociated with what they believe as owners of short term home owners are seeing. He said it is a single property that enjoy the property themselves and share through vrbo and Airbnb. He asked the question of how many people on the board have rented one of these short-term rental properties because he thought the conversation was a bit out of place.

Mr. Farrell addressed him with a reply that he absolutely has used VRBO and other short-term rental agencies for his stays. He said these folks on the Planning Board are planning for the worst case scenario and the concern is that outside investors will overtake the housing market.

Mr. K said the discussions though are affecting the people that are doing it right now, not those they may do it in the future.

Mr. Farrell agreed and stated that's why he was concerned about being over restrictive.

Mr. K stated that he is part of the group that Greg Burns reviewed last week. He said STR are a benefit to the community.

Mr. Hayward states as the situation states right now in Town these are prohibited in Town as of today. It is not an authorized use. He stated the Solution is to make you legal and a registration process. He reiterated the use of STR in the Town of Fairhaven is currently prohibited.

Mr. K said that may be correct but they are registered with the Town and the Town is receiving a tax for the rentals, so he is confused that the two are not aligning with what the board is saying.

Mr. Farrell explained that actually the state of Massachusetts allows it. You are paying taxes on it, and have a state registration, not a Town registration. He went on to say that each town has a 'home rule' to handle how they want to pursue these short-term rentals. Mr. Farrell stated that in the Town of Fairhaven as of today, currently, our bylaw does not allow short-term rentals in residential areas. He said that's the reason for this conversation so we can make it legal in the Town of Fairhaven that is our concern.

Mr. K said he understands that the Town is receiving the tax on his short-term rentals. Mr. Farrell stated, 'regardless' it is not in our use schedule as an allowable right, and they have to make it right.

Mr. K said he would like to see more discussion on the people that are doing it versus speculating on those that may do it in the future.

Mr. Farrell stated he understands his frustration but the Planning Board member's job is to plan for the worst case scenario; that is their job. He said they are deliberating to get there.

Ms. Fidalgo asked about the 64 units that are written in the bylaw would already protect the 56 units that are already doing it. She said she thinks it's protecting people as written.

Mr. Hayward says it protects everyone who's doing it and then gives it a growth projection until December 2022. He said the number can be amended at Town Meeting at any time.

Mr. Farrell stated 60-90 days per year is overly restrictive. He said he would like to avoid the owner-occupied. Mr. Hayward said this is also taking place in the Mixed-Use district. He stated if you take owner occupied out you would have to cap it.

Mr. Farrell asked if there were other restrictions like these caps in other towns in the commonwealth.

Mr. Hayward stated this is a booming business and we need to stay on top of it. He said time is of the essence for this Town Meeting. He said these are livable, breathing documents that can be changed yearly if necessary.

Mr. Farrell asked about a moratorium. Mr. Hayward believes that has to be done through Zoning. Mr. Foley gave his overview of what the changes could be. Discussion about owner occupied.

Mr. Hayward stated they need to vote to get something on the warrant. Mr. Foley stated that the draft warrant hasn't been updated in a month. Mr. Hayward stated the Board of Selectmen vote to pass over or yield to petitioner when there reading over the warrants.

Mr. Farrell made a motion to continue this meeting to a special meeting to Tuesday, May 4 at 6:30p.m. and the motion was seconded by Jessica Fidaigo. On the question, Mr. Hayward stated he hoped the warrant was still open at that time. Mr. Foley stated if he could get two minutes he could run and get the print available for everyone to read. Mr. Farrell stated no that he had a motion on the table. The motion passed unanimously 6-0-1, with Jeff Lucas abstaining.

Mr. Hobson came on the call to speak at 10:30p.m. Mr. Hobson said that he is not opposed to people renting to their house by the week or month. He said he is opposition of people renting it out by the night. He said that abutters should be notified if people are going to rent out nightly/daily.

Mr. Farrell advised that more discussion would be heard on May 4, 2021 at a Special Planning Board Meeting.

v. **TE 2021 Definitions and Use Tables:** Public Hearing on proposed Text Amendments to make changes to 198-16, the Use Regulation Table, and 198-33, Definitions and word use.

Mr. Hayward made a motion to continue the public hearing on proposed Text Amendments to make changes to 198-16, the Use Regulation Table and 198-33, Definitions and word use to May 4, 2021 and was seconded by Jeff Lucas. The motion passed unanimously via roll call vote 6-0-1, with Mr. Lucas abstaining.

vi. **TE 2021 - On-Site SPEF for export as accessory in B & I:** Public Hearing on proposed Text Amendment to make changes to 198.29.6, Solar Photovoltaic Energy Facilities (SPEF) to allow on-site SPEF in the B and I Districts to export power as accessory uses by Special Permit.

Mr. Hayward made a motion to continue TE2021-On-Site SPEF for export as accessory in B & I to May 4, 2021 at 6:30p.m. and was seconded by John Farrell. The motion passed unanimously via roll call vote.

ii. **Receipt of Plan - Oxford:** Street Discontinuance & Form A (ANR) for Oxford School Residences

Mr. Foley stated there was a receipt of plans for a street discontinuance and a Form A (ANR) for Oxford School Residences to separate the North Fairhaven Improvement Association to its own lot and to discontinue Livesey Street and Deane Streets that go through that property.

Mr. Farrell made a motion to adjourn and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote at approximately 10:45p.m.

Respectively,

Patricia A. Pacella
Recording Secretary