



FAIRHAVEN PLANNING BOARD

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4082 • FAX (508) 979-4087

RECEIVED
TOWN CLERK

2021 OCT 12 A 11:38

Fairhaven Planning Board *Minutes*
Tuesday, August 10, 2021– 6:30pm

FAIRHAVEN,
MASS.

1. **GENERAL BUSINESS:**

- a) **Chair's Welcome and Media Notification:** Mr. Farrell opened the meeting at 6:33p.m. and notified that the meeting was taken place via Zoom and was being recorded and televised.
- b) **Quorum/Attendance: Present:** Chairperson, John Farrell, Vice Chairperson, Wayne Hayward, Rene Fleurent, Cathy Melanson, David Braga and Jessica Fidalgo, Mr. Haworth (arrived at 7:07pm)
- Absent:** Jeffrey Lucas
- c) **Minutes July 13, 2021 drafts to be reviewed:** Ms. Melanson made a motion to approve the minutes of July 13, 2021 and was seconded by Rene Fleurent, Jr. Mr. Hayward addressed line 151 of the minutes and asked that the Planner rework that line with Mr. Fleurent. Mr. Foley stated the line has to be corrected because Ms. Fidalgo had joined the meeting late and voted on the Special Permit making the sixth affirmative vote and the project passed unanimously without Mr. Fleurent abstaining on the vote. With the amendment, the motion passed unanimously via roll call vote. (6-0).
- d) **Planning Board Bills:** None.
- e) **Planning Board Appointment to Rogers Re-Use Committee :** Cathy Melanson stated she was still very interested in joining the Rogers Re-Use Committee. Mr. Foley stated that the EDC has not yet met and they are going to meet in a week.

Mr. Farrell stated he would like to nominate Mr. Hayward to the Rogers Re-Use Committee and was seconded by Ms. Fidalgo.

Cathy Melanson made a motion to nominate herself on the committee, with Mr. Fleurent seconding the nomination.

On the nomination of Mr. Hayward, per roll call vote. Mr. Fleurent voted in favor; Mr. Braga voted yes; Cathy Melanson voted against; Ms. Fidalgo voted in favor; Mr. Hayward voted in favor and Mr. Farrell voted in favor. The motion passed for Mr. Hayward to be the Planning Board appointee to the Rogers Re-Use Committee, 5-1.

Mr. Foley said he applied for a grant to hire a consultant to update the costs and market conditions from the Feasibility Study done five years ago. They would update the costs of renovating and bringing up to code and other items for the Rogers Building and then also help craft a new RFP. He said there has been some expression in use of the building. He noted the grant is not guaranteed but he has applied for it. If we do not get it we will proceed with the Committee and try to move forward with a new RFP by the end of the year.

Mr. Farrell stated he has been frustrated with the whole Rogers School process. He said when he received a request to appoint from the Planning Board, he was confused at the request, as he had thought that Town Meeting had voted to sell the building. Mr. Farrell asked Mr. Foley who would be making the RFP decision.

Mr. Foley said ultimately the decision is made by the Select Board for the RFP process. Mr. Farrell asked if the ad-hoc committee is taking minutes or meeting regularly. Mr. Foley stated that was one of the things he is requiring moving forward as he is now the staff assistance to the Committee. He said that he would be reporting to the Planning Board and the Rogers Re-use Committee as long as they are taking minutes and doing the meetings publicly which they agreed to.

Mr. Fleurent stated he was confused if the town meeting voted to sell the building why would they still be entertaining something else. Mr. Farrell stated that it seems everyone is confused.

Mr. Foley reviewed the feasibility study done on Rogers School, from a few years ago and he stated the RFP process should be extended so that it is open for more time than it was in the past to hopefully get a few more responses. Mr. Foley reviewed what the process has been to date as he is aware of it.

Mr. Farrell stated it was his understanding that one of the RFP's applicant was still in court. Mr. Foley advised that was thrown out of court per his understanding.

Doug Brady, who was on the call via Zoom, stated he was responding on behalf of himself. He said the town voted to sell the building with appropriate means of selling and the Select Board would make that decision not the Rogers Re-Use Committee. He also stated that New England Preservation and Mr. Ristuccia has filed an appeal to the lawsuit that was denied at court. He said it is a false statement that there are "people who want to hold on to it". He said there is a lot of misinformation.

Mr. Farrell stated it would be better if the ad-hoc committee would do minutes and be more publicly available for people to understand what is happening. Mr. Brady reviewed the RFP's that were done with the Rogers Re-Use Committee and stated that RFP's are voted through the Select Board not the Committee.

Mr. Braga confirmed that Mr. Ristuccia had appealed the decision.

Mr. Foley stated he received emails from Mr. Brady and Ms. Loo about having de-humidifiers in the building to dry it out as well as clean it out.

- f) Planning Board Appointment to Town Administrator Screening Committee:**
Mr. Farrell stated he would like to take nominations for this board appointment.

Mr. Hayward would like to nominate David Braga to the TA Screening Committee and seconded by Ms. Fidalgo. Mr. Braga accepted the nomination. The board voted unanimously for the vote of Mr. Braga as the TA Screening Committee appointee.

2. **PUBLIC HEARINGS:**

a) Public Hearings:

i. **SP 2021-02 - Crow Island:** Continued Public Hearing on proposal to create a destination for events such as weddings, corporate outings, parties and other special events on Crow Island.

Mr. Foley stated the applicant requested a continuance to September 14, 2021.

Mr. Farrell made a motion to continue SP2021-02-Crow Island per the applicants request to September 14, 2021 and was seconded by Cathy Melanson. The motion passed unanimously.

b) Other Reviews:

i. **DS 2019-02 Hiller & Timothy Subdivision:** Remand Agreement Review

Mr. Foley stated that at a previous meeting, the Planning Board made a request for a preliminary subdivision review instead of a full definitive review. The attorney for the applicant said at the time that it sounded reasonable but that he would have to check with his client. We have not heard from the applicant's attorney since the last meeting. Tom Crotty had said he is not aware that they have received any revised order of conditions from DEP. No need to have any action at this meeting.

ii. **DS 2021-46 Sconticut Neck:** Security Bond Release:

Mr. Foley stated he spoke to Attorney Crotty, who had reviewed the articles of the home owners association and was okay with how it was written. He said that he had some requests on the rewording of the security bond paperwork, but that hasn't taken place as of yet. Mr. Foley stated they were asking for a pre-construction meeting and he would be okay with it with a stipulation about the security bond.

iii. **Bella Vista:** Chapter 91 Notification

Mr. Foley stated he had become aware of a Chapter 91 on Bella Vista. He said he along with the Conservation agent, the Building Department, and Harbormaster did a site visit a few weeks ago and there were some issues that the Conservation Commission had required be addressed and permitted properly. He said he did sign the Chapter 91 and sent it back. He is just informing the Planning Board and if they want to discuss more on the matter they can request a hearing under Chapter 91 with the applicant.

Mr. Hayward asked if they were proposing a dock. Mr. Foley said no but they are proposing a groin on the Northeast side in front of the house. He explained that a groin is a 'jetty' that goes out to stop the sand from the migrating.

3. **CURRENT PLANNING:**

a) Town Planner Update: ARPA; Grants; Union Wharf Study; CDBG Hedge Ph. 3; Mapping

Mr. Foley reviewed his grants, ARPA, Union Wharf and other things he has been working on. He stated that Union Wharf, the south sheet wall is just about complete and mostly done under budget and time. He said the Feasibility Study, which was a \$60,000 grant on the future of Union Wharf has had its kick off meeting. He said they have hired FXM (Frank Mahady) and Foth Engineering as the consultants. He said that Mr. Mahady was hoping to present within a meeting or two. He reviewed the CDBG Hedge Street they will be going into applying for Phase 3 construction. From Main Street to about 70 Hedge Street. Public hearing was at Selectboard last night.

Mapping - Mr. Foley is looking to updating rezones, subdivisions and ANR's for official Map. He said he is also looking into correcting inconsistencies between GIS and Assessors records and meeting with assessor, conservation and Building on online mapping tool.

4. **LONG RANGE PLANNING**

a) **Town Planner Update. Rt6/240 Study.**

Mr. Foley stated they are working with Fuss & O'Neill to identify sites to do Phase 1 environmental assessments. He is also waiting to hear on grants in June/July for an EEA Grant and 1-sto for growth grants to help write a 40R by-law.

Mr. Foley stated that the Town has received \$841,431 directly from the Federal Government through ARPA. He stated the Department heads have also met twice to discuss. He said that Bristol County will receive a \$3,122,963 allocation for Fairhaven but have not yet determined how to dispense that and what the process will be.

He will also be meeting with the Chair of the Select Board and Public Safety at the end of the week to discuss locations to move the transfer station to and possibly a new public safety facility.

He also met with Mr. Furtado and the consultant from the Complete Streets Grant to move forward on this grant. He said they had to do the shared streets project first, Alden Road and Howland; and Alden Road and Glenhaven. He went over the timeline with the Board members.

Mr. Foley reviewed the upcoming dates of the Board. August 24, 2021. He reviewed possible upcoming Special Permit reviews that may be before them. He said Nye Lubricant's is looking at 60,000 sf addition as well as 4 David Drown Blvd and 111 Huttleston Avenue is looking at making their outdoor dining permanent.

Mr. Fleurent asked about 4 David Drown Boulevard.

Mr. Hayward asked whether the ARPA funding could be used for regional transit and upgrade the bus stops in the Town of Fairhaven. He said that people need a proper bus station. Mr. Foley said it could and he would add that to the list.

Mr. Farrell asked about SRPEDD. Mr. Fleurent stated they did not meet as of yet and there is nothing to report. He did say he wanted to still be the representative for SRPEDD.

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote at 7:22p.m.

Respectively,

Patricia A. Pacella
Recording Secretary