



FAIRHAVEN PLANNING BOARD

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Fairhaven Planning Board *Minutes*
Tuesday, September 14, 2021– 6:30pm

FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification:** Chairman, Mr. Farrell opened the meeting at 6:42p.m. and advised the meeting was taking place via Zoom. The Board had to postpone and reconvene at 7:30 pm when there would be a quorum.

Mr. Doug Schneider who was present for the ANR at 73-77 Adams Street stated he would not be present as he had a conflict in an hour. He would forward his phone contact information to Mr. Foley if necessary to comment.

Mr. Farrell reconvened the meeting at 7:30p.m.

b) **Quorum:** Present: John Farrell, Jessica Fidalgo, Wayne Hayward, Jeff Lucas, David Braga, Rene Fleurent and Geoff Haworth. Absent: Cathy Melanson

c) **Minutes of August 24, 2021 draft to be reviewed:** Mr. Hayward made a motion to accept the minutes of August 24, 2021 and was seconded by Jeffrey Lucas. The motion passed unanimously via roll call vote. (6-0).

d) **Planning Board Bills:** None.

e) **Correspondence:** Barbara Lorentzen re: Tree Removals

Mr. Foley advised a letter was received by Ms. Lorentzen regarding the tree removals by the Tree Warden. She was appalled by the removal of so many trees and agreed we need a strong Tree Bylaw and that we need to do an inventory of the trees.

Mr. Lucas asked about the removal of the tree stumps on Farmfield Street. He said he realized it was not in their purview but wanted to ask.

2. PUBLIC HEARINGS:

a) **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. Farrell stated the applicant has asked for a continuance until October 13, 2021. Mr. Foley confirmed the day and date, Wednesday October 13, 2021. Ordinarily we meet on Tuesday but Monday October 11 is Columbus Day so the Select Board will meet on Tuesday and the Planning Board will shift to Wednesday.

Mr. Lucas made the motion to continue SP 2021-02-Crow Island to October 13, 2021 and was seconded by Mr. Hayward. On the question, Mr. Hayward stated he thinks the applicant needs to be present at that meeting to address issues; and if they can't attend they should move forward. The motion passed unanimously via roll call vote. (5-1, with Mr. Lucas in opposition.)

b) Other Reviews:

I. ANR 2021-05: Congregation of Jesus and Mary at 73-77 Adams St.

Mr. Foley reviewed the ANR at this address of 73-77 Main Street. He said although it is across the street from St. Joseph's and next to their school this property is not a branch of the diocese of Fall River. He said they are on an adequate road and both lots will have frontage and enough area as required. He said they will retain the southerly lot. He said he believes it meets all the requirements

Mr. Lucas made a motion to endorse the ANR at 73-77 Adams Street and was seconded by Mr. Hayward. On the question, Mr. Hayward stated it was unfortunate that the property is being subdivided as it's a large old campus and he fears that it will most likely continue to be divided up.

The motion passed unanimously via roll call vote. (5-0-1, with Ms. Fidalgo abstaining as she is an abutter).

II. DS 2021-46 Sconticut Neck: Security Bond Release:

Mr. Foley stated that Attorney Crotty had approved the bond release. He said that the applicants are Joshua and Tony Alves who were present in the Banquet Room. Mr. Foley advised this did go out to GCG for an estimate and came back at \$892,500. He stated the applicant has agreed to provide the same bond but for \$900,000.

Mr. Hayward asked to see the bond and asked Mr. Foley if the bond has the payee as the Fairhaven Planning Board, and if they can call the bond if necessary. Mr. Foley stated that it read 'the Town'. Mr. Hayward asked if that meant the "Planning Board." Mr. Alves said he would be happy to revise the bond to be payable to the Planning Board.

Mr. Hayward stated he was okay with the number. He said his concerns were if there were an issue it would be difficult for the Select Board to call the bond if necessary. Mr. Farrell stated the applicant's sound like they would be okay with the change to say "Planning Board," so he feels they should go in that direction.

Mr. Hayward stated he would like to make a motion to accept the surety for \$900,000 Bond for 46 Sconticut Neck Road, with the condition that the payee be the Planning Board instead of the Town of Fairhaven and was seconded by Mr. Lucas. Mr. Hayward asked if this had legal services built into the contract as well.

The motion passed unanimously via roll call vote, 6-0.

Mr. Hayward encouraged the developer to ask for street acceptance.

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

Mr. Foley stated that Attorney Crotty has been out of Town and there is no update as of yet. He does have a conference with Mr. Crotty in the near future.

3. CURRENT PLANNING:

a) Potential Bylaws for Special Town Fall Meeting:

I. Rezone Upper Narragansett to RA from B.

Mr. Foley explained where this is located, right behind the gas station on Bridge Street. He said it was zoned in 1973 to Residential and then zoned in 1974 to Business. He explained it was still zoned Business to date, four houses and one undeveloped lot in the area. He said the assessor's card stated it was residential, but on the map it is zoned Business. Mr. Foley is reaching out to the neighborhood in that area.

Mr. Foley identified the residential area separated from the gas station by a drainage ditch. This area is a dean end and has not access to the Business zoned area nearby. He said the town meeting looks like it would take place

in December and this is something that the property owners may be looking to rezone this area. If they do it, it will require them to get 100 signatures, but if the Planning Board agrees then it would be easier for us to just do it.

Mr. Hayward stated that at one time Narragansett Boulevard went all the way to Bridge Street and that was zoned Business. He said that it is something they could do as the Planning Board without the resident's permission. Mr. Foley stated he has reached out to the neighborhood to get their opinion as he would rather they all agree.

Mr. Lucas recommended they hold a public hearing in the next month or so. Mr. Foley showed how the article would be written.

Mr. Lucas made a motion to schedule a public hearing for the rezoning of Narragansett Boulevard from the Business District to the RA District and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote. (6-0).

II. Street Tree Bylaw - Role and Responsibilities of Tree Warden, Notification, etc.

Mr. Foley asked the Select Board to review the removal of 63 Trees by the Tree Warden which he said was not done according to the law. He said he is looking to the Planning Board to support a new Tree Bylaw that would strengthen local control and improve notification and that he is also looking at a grant to perform a systematic inventory and produce a management plan for the Town trees on streets and in parks and public spaces. Mr. Foley reviewed MGL Chapter 87 on Public Shade Trees. Mr. Foley reviewed several Sections of Chapter 87 and noted how we could improve it with a local bylaw that spells out administrative requirements and responsibilities that included record keeping, notification and public hearings. He said the inventory and plan would be done by an independent professional arborist.

Mr. Lucas stated he was all in favor of this bylaw and technology. He said he would like to see this draft done so they can get a public hearing on the books sooner than later. Mr. Foley stated he will get a rough draft out to the members as soon as he can.

Mr. Farrell asked about the trees that were removed and if there is any plan to replant them. Mr. Foley said he reported the removal of the trees and it is in the Select Boards hands. He said frankly he would rather not see ne trees planted at this time until we have a plan and make sure we are planting the right trees in the right place. Mr. Lucas said that he believes Ms. Lorentzen stated that you have to do a 2:1.

Mr. Farrell stated he was in full support of this bylaw and presenting it at the Town Meeting. He said he was hoping that the Tree Warden has more communication with different boards before cutting down trees in the future.

III. Cluster Bylaw

Mr. Foley had nothing new on this bylaw at this time.

b) Town Planner Update: Historic Survey; Trees; Site Readiness Grant; Union Wharf Study Proposal

Mr. Foley updated the Board on the grant from the SEC (Seaport Economic Council) to conduct a feasibility study to explore the expansion of uses and efficiency at Union Wharf. He said that Frank Mahady, of FXM is doing the feasibility study for this grant. Improving the usage at Union Wharf is one of the avenues the feasibility study to look into.

Mr. Lucas asked about the land swap. Mr. Foley stated it is one of the things that he is still looking into. If anyone has comments on the proposal they should let Mr. Foley know as he is going to give the consultant the green light once he hears back from EDC, Planning and Marine Resources.

Mr. Foley reviewed the Site Readiness Grant which will perform environmental assessments for ten different properties in the redevelopment area. He said there are four big parcels on Bridge Street that he has spoken to the owners about doing the environmental assessments and he is still talking to a few other properties.

The Town has a few properties on that are up for auction. He is doing some research as has heard that some of these properties may have been set aside for drainage purposes for subdivisions and if so they need to be taken off the list.

He has not heard anything back from the state regarding the short-term rental bylaw yet.

A&A Auto will be taking over the property next door to them to expand the car lot they now use at 196 Huttleston Avenue. He is discussing requirements for the Special Permit application with Mr. Schneider.

The first meeting of the Rogers Re-use Committee is tomorrow, Wednesday September 15, 2021.

Mr. Foley stated he was elected as the Vice Chair for JPTG for the SE area at SRPEDD.

Mr. Hayward stated he wanted to follow up on the drainage parcel that is on the auction list that Mr. Foley will be reviewing. Mr. Hayward stated there is another parcel that raises questions as well on the auction list. He said it would be a shame that some of these parcels are on this list that really need to be retained and/or reviewed in public.

Mr. Foley stated he will be reviewing the properties on the list and asks if anyone has any questions/concerns of the properties on the list for them to reach out to him in the next couple of days. He said he will be addressing a memo to the Town Administrator and the Select Board.

5. OTHER BUSINESS:

6. Next Meeting: Tuesday September 24, 2021. After that our next meeting will be Wednesday, October 13, 2021. The Change from usual schedule is due to Columbus Holiday conflict with Select Board Meeting.

Mr. Jeff Lucas made a motion to adjourn and was seconded by Mr. Hayward. The motion passed unanimously at 8:44 p.m. (6-0).

Respectively submitted,

Patricia A. Pacella
Recording Secretary