



FAIRHAVEN PLANNING BOARD

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PLANNING BOARD
September 28, 2021 - Minutes DRAFT

FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification:** Mr. Hayward called the meeting to order at 6:31p.m. He said the meeting was being recorded and operating under a Zoom platform per the Governor's emergency order allowing remote attendance to public meetings.

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

c) **Minutes of September 14, 2021 draft to be reviewed:** Mr. Fleurent made a motion to accept the minutes of September 14, 2021 and was seconded by Mr. Braga. The motion passed unanimously via roll call vote, 5-1-1; with Ms. Melanson abstaining and no response from Mr. Lucas.

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

e) **Correspondence:** None.

2. PUBLIC HEARINGS:

a) **None.**

b) Other Reviews:

i. 732 Scoticut Neck Road: Chapter 61A Land Right of First Refusal

Mr. Foley stated this was also on the Select Board agenda the night before. He said the ANR was reviewed about a year and half ago. The property is approximately 10 acres of property with three lots. He said it's a nice piece of land with water views, farm land, woods and a path with access to Monandoch Avenue which runs along the water. Conservation voted to recommend that the Town should buy it for Conservation Land. Mr. Foley believes it would be great conservation land as well to save the farmland and provide a beautiful trail that could connect across the neck to the Shipyard Farm conservation area across the street. Mr. Foley said the Select Board reviewed it last night, but it's still early for review.

Mr. Hayward suggested they don't vote on it this evening as they don't have enough information as of yet. He said the town does have the right of first refusal. He said there's been a lot of filings on the property at the registry of deeds, mostly taxes. He said two of the lots front on Scoticut Neck Road. He said it is a potentially valuable property for tax revenue for homes. Mr. Hayward said it would've been nice to hear from the property owner, Mr. Hebert. He says they should wait until Attorney Crotty can make a recommendation on the property.

Mr. Braga stated he was curious how the Town would use the property, perhaps Conservation; walking trails or other. He said he sympathizes with Mr. Hayward that they would be giving up taxes on this

property. Mr. Foley said it would be preserving Agriculture, water views, hiking trails and he thinks there would be benefits to the Conservation area to the Town.

Mr. Fleurent stated he would like to see the property developed and that Fairhaven has quite a few open lots currently in Town. He said he is not in favor of the Town taking the property.

Mr. Lucas stated he was of the opinion that taxes don't even cover the children in schools as of this time, so it is not necessarily true that the taxes would be more than the cost of services and that it would be helping the Town.

Mr. Hayward stated he felt someone needed to provide them with a good case to keep the property. He said they should think about it and get more input.

Mr. Lucas asked if there was a rough idea of the square footage of how many houses could be developed in that area, he said it would be interesting to have that information.

Mr. Hayward explained the current lot size requirement is 30,000 square feet in that area. His guess would be four lots maximum if it were subdivided. Mr. Foley stated potentially he thought there could be four lots if the lots could be perked, etc. He said he will look at a little further at the property.

Mr. Hayward said the three boards that weigh in are Conservation, Planning and the Select Board.

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

Mr. Foley stated he reached out to the attorney for Hiller & Timothy and he has not heard back.

3. CURRENT PLANNING:

a) Rogers Reuse Committee Update:

Mr. Hayward said he attended his first Rogers Committee meeting. Mr. Foley said after formal introductions he presented an update on the RETA Grant he applied for and the 2017 Kirk Study. Mr. Hayward said the committee went into discussions again to do an agreement with SMEC for leasing

Mr. Foley updated the Rogers Reuse Committee regarding the status of the Real Estate Technical Assistance Grant application to update the feasibility study and prepare new RFP. He said the grant would be helpful by assigning an independent consultant. If we do not get the grant we will have to move forward with a new RFP on our own.

Mr. Foley reviewed the Kirk Study in detail with the Rogers Committee and again with the Planning Board. He said five years ago the minimum investment was estimated to be approximately \$5 million. To do a full abatement and mitigation and bring it up to code was estimated to be \$7 million at the time. The Kirk Study reviewed various potential uses for the building and evaluated them and market conditions in the study. He said there was good debate and discussion. The Committee are going to do tours of the Rogers School on Thursday and Saturday of this week.

Mr. Hayward said there has been interest on the property and the site. He said a lot of people on the committee have strong views of what should be there. He believes people do want to save the historic portion of the building. He said there is a legal issue still hanging over them and it looks like it won't be settled for about six to eight months.

Mr. Foley suggested he could write a letter asking the courts to expedite. Mr. Hayward believes that the courts are probably backed up because of Covid.

Mr. Fleurent stated he wouldn't be in opposition to have the building razed and redeveloped with the surrounding area with home lots.

Mr. Hayward asked Mr. Foley to keep this under Current Planning on every agenda so he can address it as the liaison between the Planning Board and the Rogers Reuse Committee. Mr. Hayward stated he will have continued discussion that the RFP be more concise especially concerning the uses in zoning at that property. Mr. Foley agreed and thought it would be appropriate for the Planning Board to discuss options with respect to planning and zoning.

Mr. Foley said he didn't think the building was in such bad shape as people may think. He said when he first walked it he was surprised at what good shape it was in because he had heard otherwise. However, he is worried that if the building were to sit idle for a long time it will be detrimental.

b) Potential Bylaws for Special Town Fall Meeting:

I. Rezone Upper Narragansett to RA from B.

Mr. Foley explained this is located right behind the gas station on Bridge Street. He said it was zoned Residential in 1973 and then zoned in 1974 to Business. He explained it was still zoned Business to date, four lots and one undevelopable lot are in the area zoned commercial but are clearly residential and not situated for business. He said the assessor's card stated it was residential, but on the map it is zoned Business.

Mr. Foley heard back from two of the five homeowners of the properties around this area. He said there are currently 4 houses and one under developed lot in that area. He said it makes perfect sense to continue with the rezone at Town Meeting.

Mr. Hayward stated they should definitely move forward with the rezone. He said there is no date as of yet for a Special Town Meeting so we should not schedule the public hearing yet.

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

Mr. Foley said he sent the members a rough draft for the Fairhaven Street Tree local bylaw. He is applying for a Community Forest Grant to perform a comprehensive inventory and management plan to assist with the better protection and management of our public trees. The inventory would identify and geo-locate our trees and note their type, size, health and needs of our street trees. He asked for people to email him back on the rough draft if they have comments.

Mr. Hayward said a bylaw is definitely needed for the administration. He said he would like to see a tree manual and that the planting and all the details do not have to be included in the by-law. He said it would offer more of an opportunity to put in graphics and provide a little guidance.

Mr. Lucas asked to review page four and five of the by-law; in reference to the credentials as required. He asked if our tree warden currently has those credentials. He didn't think it needed to be in the by-law but in the tree manual as discussed. Mr. Lucas also referred to page 10, "60 days"; he said he wasn't sure that (especially nowadays) "60 days" is a reasonable timeframe. He also asked for a correction in bullet six.

Mr. Braga stated he agreed people that are being “deputized” tree wardens should have certain credentials. He said he wasn’t sure they could require someone who’s elected to have certain credentials.

Mr. Foley agreed that definitions need to be clear on the bylaw. “Hazard trees”; “emergency” and others were added but most came straight out of the State guide. He said he will reach out to Attorney Crotty to review the document. Mr. Hayward said he believed that it was too early to add Attorney Crotty to this document and they should re-work this first draft document at another meeting.

III. *Cluster Bylaw*

Mr. Foley stated that two farms have contacted him and he described via slides where the farms are located and how a cluster bylaw would work in this area.

Mr. Hayward wasn’t sure the ‘bonuses’ of a cluster bylaw would benefit Fairhaven.

Mr. Foley stated perhaps they would only allow the cluster on certain type of developments; maybe only to save farmland. Mr. Foley will continue to work on and give the information to the Board members for future discussions.

b) **Town Planner Update:** Historic Survey; Trees; Site Readiness Grant; Union Wharf Study Proposal
Mr. Foley reviewed the site readiness grant. He stated he met the new owners and old owners of the Lumberyard (Fairhaven Lumber, Koopman). He said they are looking to expand. Mr. Foley gave an update on the high density, Mixed Use, Route 6/240 redevelopment area. He discussed other areas that might be a good location for a 4OR, which would be slightly different on Route 6 and downtown than in the shopping plazas. He discussed in the plaza target area that we might consider allowing buildings to be more like 5-7 stories in the shopping plaza areas, rather than just parking lots, whereas along Route 6 and downtown we might not want to go over 3-4 stories. He explained 4OR is an overlay with the current zoning intact but also allow a higher density mixed of residential with commercial use in the area with the residential above retail and design guidelines to make sure it looks nice.

Mr. Hayward stated that it is targeted to specific sites, he said he doesn’t understand how they are approaching all of Route 6, but not targeting specific sites for 4OR designation. He feels they should be more targeted, site specific areas.

Mr. Foley advised we will be discussion these types of questions over the next year and ultimately this would have to be approved at Town Meeting.

Mr. Foley said the contract was sent to Frank Mahady of FXM to begin the feasibility study of Union Wharf.

Mr. Foley reviewed upcoming meetings and possible agenda items. The next meeting is October 13, 2021, a Wednesday. Crow Island was continued to that meeting. Then October 26, 2021, Torrington Street discontinuances, November 9, 2021, Nye Lubricants are on the tentative schedule.

Mr. Foley stated he sent the Nye Lubricants to GCG for peer review. Mr. Hayward said he would like to see a 3D view angle of the building, landscaping etc. Mr. Hayward suggested putting information on the website for review of the board members.

Mr. Foley stated there a few things that need signatures, and asked members to come to Town Hall before Friday to sign, or he will come to them. He has a couple of mylars that need signing. He will follow up with an email to members.

5. OTHER BUSINESS:

6. Next Meeting:

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidalgo. The motion passed via roll call vote, 6-0 at 8:15 p.m.

Respectively submitted,

Patricia A. Pacella