



FAIRHAVEN PLANNING BOARD

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2021 NOV 10 P 5:25

FAIRHAVEN,
MASS.

PLANNING BOARD
October 13, 2021 - DRAFT

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification:** Vice Chair Hayward called the meeting to order at 6:31p.m. He said the meeting was being recorded and operating via Zoom, a remote platform, per the Governor's emergency order.

b) **Quorum: Present:** Vice Chairperson Wayne Hayward; Jessica Fidalgo; Jeff Lucas; David Braga; Rene Fleurent (arrived at 6:45pm) and Cathy Melanson. **Absent:** John Farrell and Geoff Haworth.

c) **Minutes of September 28, 2021 draft to be reviewed:** Cathy Melanson made a motion to accept the minutes of September 28, 2021 and was seconded by Jeff Lucas. The motion passed unanimously via roll call vote.

d) **Planning Board Bills:** (1) \$210 - GCG - 46 SNR, 89 Account for peer review of the 46 Scoticut Neck Road subdivision bond. Cathy Melanson made a motion to approve the bill for GCG for the peer review of the 46 Scoticut Neck Road subdivision bond for \$210 from the 89 Account and was seconded by Mr. Lucas. The motion passed unanimously via roll call vote.

e) **Correspondence:** Letter from Tourism Director, re: Town Hall Street Lamps.
Mr. Foley forwarded a letter from the Tourism Director objecting to the Town Hall Street lamps that are proposed by the Historic Commission. Mr. Oliveira, the Historic Commission chair was present at the Select Board Meeting last night as well as in the Banquet Room this evening. Mr. Foley said the resolution would be that the Historic Commission chair will formally present the street lamps proposal to the Select Board. Mr. Foley also advised that it will have to come to the Planning Board for review under Chapter 65.

Mr. Foley noted the Historic Commission came before CPC for funding of the street lamps last year but the proposal did not qualify for historic preservation funds. Mr. Foley said he received a letter of support from a resident but who wanted more detailed information.

Mr. Hayward asked how many street lamps were proposed. Mr. Oliveira said there are six proposed.

From an electrical point of view Mr. Hayward said the electrical conduit may have been put in when the sidewalks went in but the lights in Town are connected directly from the grid to the poles. He said an underground system has to be tied into the conductor overhead. He said he had heard mention that general purpose outlets would be at these locations but stated that a separate meter socket would also have to be there or they would have to draw off existing town hall lighting.

Mr. Hayward noted the email they received was from Tim Evans.

Mr. Oliveira said they have already met with Eversource and figured out that the feed would come from a pole down Walnut Street to its own separate box housing the circuits. He said it would be 12 circuits' for six lights and six boxes. A switch control box with its own meter would be a 24" x 24" x 8" box housing the circuits.

Mr. Hayward said it would stick out like a sore thumb and said a chapter 65 review would come later. There was no other discussion from board members.

Mr. Oliveira said he wanted to address the letter that was sent to them from another Department Head. He felt the letter was inappropriate. Mr. Oliveira said this is a great community project involving Eversource, Mr. Nils Isaksen (who is a licensed electrician) and students from the vocational school. Mr. Oliveira wanted to make the point that they would be doing public meetings and surveys to get the community involved and it is not something they are taking lightly. He said it was important for people to understand that it is for public safety and for it to look nice. He would certainly be open to the review from the Planning Board for their expertise. He encouraged members to email or contact him directly if there are any suggestions or questions.

Rene Fleurent, Jr. advised he was present at 6:45p.m.

Ms. Melanson said she was one hundred percent in favor of the lights; she stated she has walked out of some very late meetings at times and it has been very dark, she said it would make a huge difference.

Mr. Hayward said it was really about the choice of lamps as some LED lighting are extremely bright and they need to make sure lighting is not directed up and out.

Mr. Oliveira stated they are getting municipal lights and will come back with more detail for the review.

Mr. Hayward stated that the Chapter 65 process is a way to have another set of eyes look at these type of projects. The Planning Board would just be making their recommendation to the Select Board.

2. PUBLIC HEARINGS:

a)

I. **SP2021-02 - 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. Hayward opened the continued Crow Island SP2021-02 Public Hearing. He stated the first public hearing was May 25, 2021.

Mr. Foley said the first Public Hearing was on May 25, 2021 and the second was June 22, 2021 and the public hearing has been continued several times without taking testimony.. He said everyone is potentially eligible to vote for the Special Permit except Geoff Haworth who would have to do a Mullins for Mullins for June 22. If we proceed tonight Mr. Haworth will not be eligible and Mr. Farrell would have to file a Mullins for tonight.

Mr. Foley reviewed the project to the board members for a special events location on Crow Island. A sewer connection is proposed but not yet connected due to State and Federal permitting. The proposed parking would be in New Bedford. He said the revised narrative and plans came in this afternoon, and he wasn't able to review it before the meeting.

Attorney Markey, on behalf of the applicant was in attendance. He said they were not expecting a vote tonight and apologized for the late submittal of the updated plans. He said his client, Al Santos was also present. Attorney Markey stated his client has done all the filings to connect the sewer but it hasn't moved forward as of yet because of DEP. He said there were past issues regarding the docking of boats, his client has moved forward with a Conservation filing as well. He stated they were inquiring about a seasonal liquor license and have had a discussion with the ABCC, who has stated that they would authorize seasonal liquor licenses based on seasonal towns if there is an increase in summer population. Attorney Markey stated that the town of Fairhaven has not filed that paperwork in the last fifteen years, however, we all know there is a summer increase in population with West Island and Sconticut Neck Road. He said they value the Planning Board's expertise and look forward to returning with everyone able to review the updated narrative and plans.

Attorney Markey said they would be asking for a Special Permit that would allow three commercial uses on the island and also a request for the dock to be modified as well.

Owner, Albert Santos was present and gave a brief history of his current high end restaurants. He said he has the Black Whale restaurant and opened by doing everything with the city properly. He said they had to file for Chapter 91 license and had to wait seven years on that license. He said he is aware that the "L" shaped pier he is proposing which is sized at 60' x 40' (currently has 50' dock) would need a Chapter 91 approval from Boston.

Attorney Markey said they have met with Police, Fire and the Harbormaster.

Mr. Hayward noted the Planning Board approved the rezone that was approved at Town Meeting a year or so ago. He said his concerns were in regards to the long term lease required for parking. He said he would like to see a concrete plan or something in writing for locations for drop offs and pickups and assurances of how the transportation will happen. He said he is concerned with seeing the property being listed for sale and not sure if the commitment is there.

Mr. Santos explained that he envisioned that people would be parking in the Whale Tooth Parking lot in New Bedford and then going to dock three, which he owns; and the water shuttle would be from there to the island.

Mr. Hayward stated he would like to see an agreement in writing with the parking lot. Attorney Markey stated he thinks they could get an assurance that Mr. Santos owns the dock 3 where the water shuttle service to Crow Island would leave from.

Attorney Markey said that Mr. Santos envisions a higher-end Air BNB on the island. He said events would have to be catered by those that rent the island for their event. He stated Mr. Santos would not be the one cooking a burger or catering the event.

Mr. Hayward said to that point, the large event places ultimately provide the facilities to do that end of the business. Mr. Hayward shared his concern that if the property sells in the future, that person may not own a dock, the parking in New Bedford might fall through and then all the cars would end up on the Fairhaven side without a plan.

Attorney Markey stated they would say that more than one hundred people in attendance would require a Special Event Permit through the Select Board.

Mr. Hayward opened up discussion to the board and public.

Mr. Lucas stated he was sorry they didn't receive any information before the meeting. He said he felt reluctant to talk about it without the new information. Mr. Lucas asked what exactly has been done as far as utilities, walkways or anything physical that has happened to the buildings.

Mr. Santos said the house has stayed the same and they have replaced some of the brick walkways, added a patio that was made out of brick and added some landscaping. He said he hasn't done much. He said he is looking at it as a higher end, small party location for events. Mr. Santos said there was no sewer in yet but they did install the E1 pump (ready to be tied into sewer); town electric and town water has been tied in.

Mr. Lucas asked if the electricity had to be updated. Mr. Santos said no.

Mr. Lucas said he had an open concern for the parking of the boats and how visitors would be accommodated. He said he would like to see a diagram of the parking with dimensions and everything else on how that would be accomplished. He said he believes that people will want to stop there if they are out boating, because there is nothing else and he wants to see something more concrete to plan that out.

Mr. Santos stated he is in fact a boat person and that people who own their own boats do so to hang out, drink and eat on the boat, but not really to drive around in the waters go bar hopping. He said if his dock only fits five boats and the Town only wants a 6-8 tie up than that's what he would be open to. He said the island would be envisioned as a high-end event venue, not a daily venue for people to just stop in.

Mr. Hayward said they will continue the public hearing to a date certain and receive more concrete information from the applicant.

Mr. Foley stated he would be happy to work with the applicant to work up special conditions. He reviewed the upcoming meetings and the agendas. He said there was a meeting on November 9, 2021 with a larger agenda and then November 23, 2021 (which is a few days before Thanksgiving).

Attorney Markey said they would be amenable to the November 23rd date. He asked if there were any additional suggestions or concerns they could answer for them to get those to Mr. Foley so they can be prepared to answer at that time.

Mr. Hayward made a motion to continue SP2021-02, Crow Island to November 23, 2021 and was seconded by Mr. Lucas. The motion passed unanimously via roll call vote.

b) Other Reviews:

II. 732 Sconticut Neck Road: Chapter 61A Land Right of First Refusal

Mr. Hayward stated there was a brief discussion at the last meeting and now they will discuss more thoroughly. He said they should take a vote to make a recommendation to the Select Board.

Mr. Foley said he would be in favor of having the town buy the property or assign it to a non-profit for conservation purposes. He said it was his understanding that the Buzzards Bay Coalition was on the Select Board agenda and may be interested in asking the Select Board to assign them the right of first refusal for the Town. Mr. Foley described the property and noted it has water views, agricultural soils and connects to other conservation areas. Retaining it could connect conservation areas and provide great walking and hiking trails and preserve farmland. He said the Planning Board endorsed a three lot ANR that could be developed if they pass a "perc" test. It is unclear how many lots could be created through subdivision since the property is in a velocity zone and beyond the sewer line. Any houses would have to be raised and would block water views to the public. Mr. Foley noted the stated goals of the Master Plan and Open Space are to balance growth and preservation; preserve farmland and working agricultural landscapes. Mr. Foley said preserving this land would be consistent with the goals of the Master Plan as stated and the land, if preserved, could provide several public benefits.

Mr. Hayward stated he feels it can be developed to two to three homes in that area. He said they do need to take a vote to send it to the Select Board.

Mr. Lucas asked if this was an all or nothing deal. He said there is a lot of property there. Mr. Hayward said they do have the ability to protect some and to release other parts of the Chapter 61a property. Mr. Lucas said he is in favor of preserving at least some of the property.

Ms. Fidalgo asked whether if the Town bought the lots that would eventually have to go to Town Meeting for a vote of approval. Mr. Hayward said that if the Town was going to buy the lots that the acquisition of spending the money would go to Town Meeting for a vote on where the money would come from. He said tonight they have to send their recommendation through a vote to the Select Board and then it's ultimately up to them to make the final decision.

Mr. Foley said he understands that the Buzzards Bay Coalition may ask that the right of first refusal be assigned to them and they would then deal with the seller and it would be no cost to Fairhaven. Mr. Foley advised that the Town or the assignee would only have to meet the price in the Purchase and Sales agreement at what the lots were being sold for. He said lot one is listed at \$150,000; lot 3, \$180,000 and the larger lot is \$320,000. He said that seemed like it was under market value and would be a good cost for a significant piece of open space with multiple benefits.

Mr. Fleurent stated he doesn't feel the Town should be investing in property. He said he was not in favor of the town purchasing this property.

Ms. Melanson stated she was in favor for the Town buying this land or preserving it. She said they need to preserve something as they don't have a lot of open space left in the Town. Ms. Melanson referenced the \$1.8 million dollars that was received on the properties that sold at auction and suggested that perhaps some of that money could be used to purchase this property.

Mr. Hayward said he wasn't sure what happened at the Select Board as the discussion was done in executive session.

Ms. Melanson made a motion to send a letter to the Select Board for the Town to accept the first right of refusal and keep the land. The motion was seconded by Jeff Lucas. On the question, Mr. Lucas asked if that motion was for the Town to buy it or would also allow the Town to assign it to a third party such

as the BBC or other non-profit. The motion allowed for either option. Mr. Foley said it was his understanding that BBC was going to ask that it be assigned to them.

Mr. Hayward stated he was not in agreement with this particular proposal the way the motion was made, he voted, NO. Ms. Melanson voted in favor of the motion, Mr. Lucas was in favor of the motion, Mr. Braga was in favor of the motion. Ms. Fidalgo voted No as did Mr. Fleurent. Mr. Hayward said the motion failed as it was a tie.

Mr. Lucas made a motion to send a letter to the Select Board to assign the right of first refusal to a third party and was seconded by David Braga.

On the motion, Mr. Hayward voted No as did Mr. Fleurent. Mr. Braga, Mr. Lucas, Ms. Fidalgo and Ms. Melanson voted yes.

Mr. Hayward noted the motion carried 4-2 for the Planning Board to send a letter recommending to the Select Board to assign the right of first refusal to a third party for conservation purposes but not for the Town to buy the property.

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

Mr. Hayward asked if there was any update. Mr. Foley not for the Town to buy the property but that he personally reached out to their attorney and has not heard anything back.

III. Chapter 65 Park Project: Proposal to CPC for new Pickleball Courts in Livesey Park
Mr. Hayward opened up the discussion.

Mr. Foley said he received an application for the Community Preservation Committee (CPC) for pickleball courts in Livesey Park. He said something like this comes under the purview of Chapter 65 and should be discussed with the planning board for their review and recommendation.

Mr. Foley said the proposal was for six new pickleball courts, just to the South of the basketball and tennis courts in Livesey Park. He said there are currently four new pickleball courts at Fort Phoenix and four shared courts painted on the tennis courts at Cushman Park. The Pickleball people are allowed two nights a week to use these courts. He said it is definitely growing in popularity. He reviewed the proposed location for the pickleball courts. Mr. Foley said his concern was that Livesey Park is getting a lot of pavement with tennis courts, basketball, hockey, a Skateboard Park and parking and he's not sure this is the best spot for the pickleball courts at this time. He is all for Pickleball and looking at how many play and where we might find appropriate locations to grow this sport but he is concerned with the over paving of Livesey Park. He said this will go to the CPC for a review for funding as well.

Resident, Mr. Ken Pottel was present and described the proposal as six new courts with five courts going north to south and then one going east to west. He said it had been modified not to interfere with the walkways. He said on Sunday there were fifty players playing in the morning and twenty more by afternoon. He said they hold clinics at Cushman Park and they are always filled. He said that West Island is putting up pickleball courts for the residents on the island, as they have their own park on Fir Street. Mr. Fleurent stated he was a resident on West Island and he wasn't aware of a pickleball court on the island.

Mr. Pottel said they are well on their way with it on the basketball courts on Fir Street. He said North Fairhaven has no courts. Mr. Pottel explained that fourteen months ago what started with eight people has reached to 177 currently, with 200 people on the list that play intermittently. He said it is a growing sport and the fastest growing sport in the United States. He said it's open for anyone to play from young to old at any level. He said they have looked at other places in Town for another few courts but couldn't find anything.

Mr. Hayward told Mr. Pottel that he remembers when he was before them a few years back with a similar proposal by him for the tennis courts. He said that Mr. Pottel certainly drove the interest for the tennis courts and asked if less people are playing tennis because of pickleball. Mr. Pottel said that he still knows a lot of people play tennis in town and it is not his will to start competing with the tennis courts.

Mr. Hayward said that he agreed there is a loss of green space.

Ms. Melanson stated she was wondering how the neighbors feel and if they were informed. Mr. Hayward stated they would not had been notified by the Planning Department at this time, as this was just a Chapter 65 discussion and not a Special Permit review of the proposal. Mr. Foley reiterated the neighborhood were not notified.

Mr. Pottel said that he did do a presentation at the North Fairhaven Improvement Association.

Ms. Melanson said her concern was that she didn't want it to come back to bite the Planning Board because the neighborhood and/or immediate abutters were not notified. Mr. Hayward said they are not the permit authority on this proposal. He said the review is done by the DPW as they take care of parks and recreation in Town. Mr. Hayward simply said that the proposal was just asking our opinion and recommendation. He said the Planning Board does not have any legal restraints for advertising.

Ms. Melanson asked if the neighbors would be notified through the DPW process as a public hearing.

Mr. Hayward said he was not aware of what the DPW regulations were regarding public hearings.

Mr. Lucas said he was confused as he saw earlier renditions of the pickleball courts and thought they would be adjacent to the tennis courts. He didn't see it as blocking the parking lot. He said he knows that the town trucks drive right through this area to access trash barrels during events, etc. He said that this location was not what he had seen previously.

Mr. Pottel said he had sent in a new application today electronically and sent in hard copies. He stated the courts have been moved over and are adjacent to the basketball courts. He said there is plenty of room for the town trucks to access.

Mr. Hayward asked if they would be using the existing fence from the basketball courts. Mr. Pottel said they were and that the new plans submitted reflects that. Mr. Pottel said to offset the lack of tree space they have agreed to replace a few trees; but no trees will be taken down for these pickleball courts in this area.

Mr. Lucas said he is the Planning Board representative on the CPC and he was unaware that the trees were discussed as an issue at their meeting. He asked if the concern was expressed after the meeting.

Mr. Pottel said yes, he had received a phone call directly from individuals on the CPC that made that request. He said it wasn't part of a CPC concern.

Joanne St. Armand, who lives in Precinct 4, stated she has a family member that plays pickleball so went herself to a clinic and really enjoyed playing. She stated she is speaking in favor of the physical, social and economic attributes it would bring to the town of Fairhaven.

Resident Ted Ready stated he lives on Adam Street in Fairhaven and had never been an athlete and he started playing and now plays regularly and loves it.

Mr. Hayward said that he had no doubt that the sport is growing but wants to see a final set of plans before making a recommendation. Mr. Foley said he had just received updated plans today and he will forward to members and if he can will update to the CPC website page before he leaves on vacation. Mr. Hayward said it was important for the board to see what's being proposed.

Mr. Foley said he wasn't against pickleball, it's not really of an issue of for or against He just wants to see if there are other opportunities or different locations that may be available in the town. He said he was unsure that this location is the best space. He is happy that they don't have to take down trees for the project. However, right now anybody can have a picnic or throw a Frisbee or walk their dog at that location. If we build Pickleball Courts in this space it will be paved for the use of a few people.

Mr. Hayward agreed and stated that's why he wanted to see more concrete plans of what was being proposed.

Mr. Pottel said there was absolutely no walkways being blocked and that Livesey Park has eleven acres, and this would take up only 3% of the total land. He said this was a beautiful park and they were really trying to do a lot in North Fairhaven from different stand points.

Mr. Hayward said they are just being asked to review the proposed plans for a recommendation.

Resident and Chairman of Precinct 3 stated he thinks it would be a nice addition to that area Resident, Debra Almeida from Precinct 2 said she was one of the 8 that began the association. She said that Livesey Park was underused during the day and it was a perfect location for pickleball in her opinion.

Mr. Pottel said they did go before the BPW and they voted unanimously to support the project. He also said he has Superintendent Vinnie Furtado and Highway Superintendent John Charbonneau to the site for review about two weeks ago and they were fine with it. Mr. Hayward said he is not one that recommends something lightly and recommended to discuss further at their November 9, 2021 meeting.

Mr. Fleurent made a motion to continue the pickleball discussion at Livesey Park to November 9, 2021 for discussion and plans certain and was seconded by Mr. Hayward. The motion passed unanimously via roll call vote. (6-0)

3. CURRENT PLANNING:

a) Rogers Reuse Committee Update:

Mr. Hayward said he sent a letter to board members this afternoon of what has happened to date with the Rogers Reuse committee as the representative to this committee from the Planning Board. Ms. Melanson said she has not had a chance to read it. Mr. Fleurent stated the same.

Mr. Hayward read his letter in to the board members for the record. He gave a timeline and his opinion of the Rogers Reuse Committee to date. (see attached).

Mr. Foley received the letter this afternoon along with the letter from the TA to SMEC. The Select Board asked the TA to write a letter to SMEC outlining the current situation and that at this time if they needed to discuss anything new to contact Mr. Foley as the direct staff support person. In the next few days, technical grant they should know if they are getting it or not. He agreed we should start discussing zoning and planning issues and the Planning Board is the appropriate place for that discussion.

Mr. Hayward said he believed the building needed a vision and maintenance plan. He said he'd like not to sit on this for another year without progressing. He said that the courts are still tied up due to Covid and that's why there was no movement with the legal case happening with Rogers School and NE Preservation.

Mr. Foley said he was contacted by Marathon Construction and they are going to tour the school tomorrow with the Chairperson and Vice Chair of the committee.

Ms. Melanson said she is not on the Roger's Reuse Committee, but she did handle the tours at the school. She said she meant no disrespect toward Mr. Hayward but felt this was not just about him. Ms. Melanson said the inside is beautiful architecture thought the building does need a lot of work. She said she wishes that she could've given Mr. Hayward a tour herself.

Ms. Melanson went on to say the picture of the supposed "mold" that Mr. Espindola presented at Town Meeting was not mold. She said there are a lot of untruths being told about the safety and integrity of the building. She said that over 300 people walked inside the building and not one of them want it to be torn down.

Via Zoom, Chairperson of the Rogers Reuse Committee, Mr. Doug Brady said that the committee serves at the pleasure of the Select Board and he wishes Mr. Hayward would include that in his assessment and opinion. Mr. Brady said that the Select Board ultimately makes the decision with that School.

Mr. Hayward said he was just giving his report to the Planning Board as there representative on the Rogers Reuse Committee and not weighing in on it one way or the other. He said he would always be open to discuss and share his opinion if the Rogers Reuse stopped cancelling their meetings.

Mr. Hayward said he was here to help and noted that the SMEC proposal was defeated at town meeting and he was unsure why the Committee was still trying to pursue it. Mr. Hayward said he was selected from this board to be a representative on the Committee and report back to the Planning Board and he felt that's what he was doing.

Mr. Brady said this was the first time he was hearing Mr. Hayward report back and that he is new to the committee. Mr. Hayward said he also did a report on September 27, 2021 to the Planning Board.

Mr. Foley said that hopefully they will have a Rogers Reuse Committee meeting in November, when he returns from vacation. He agrees they need to start looking at other creative alternatives and start drafting another RFP.

Mr. Hayward said in fact he is not new to this as he has been looking at this for eight years in the eyes of a Planning Board member.

b) Potential Bylaws for Special Town Fall Meeting:

Mr. Hayward asked if there is a planned special town fall meeting.

Mr. Foley said they originally said in December but there is no date set in stone. He said he asked today. Obviously it takes time to prepare items for the warrant any Town Meeting would be at least two months away.

I. Rezone Upper Narragansett to RA from B.- Mr. Foley has no additional information.

II. Public Street Tree Bylaw- Mr. Foley said he hadn't received any comments back from people. He said the grant application has been sent in for the inventory/management plan. He did receive a letter from the Tree Warden in support as well as from the Sustainability Chairperson. He asked if anyone had anything additional to please forward it to him.

III. Cluster Bylaw - Mr. Foley stated no additional information, as he is still working it out.

b) Town Planner Update: Historic Survey; Trees; Site Readiness Grant; Union Wharf Study Proposal site readiness grant - 172 Bridge (drive in property)

Mr. Foley said he received approval from the owner of the drive-in property this week for them to be able to do a Phase 1 environmental assessment as part of the Site Readiness Grant. Mr. Fleurent asked if the property was becoming more wetlands as it has been so long since it's been developed; he wondered if it was even ever going to be developable. Mr. Foley said that is what they fear, that there are more wetlands in there because all the water from Bridge Street and the Landfill drains into that property.

Mr. Fleurent asked if that property is privately owned. Mr. Foley stated that it was.

Mr. Foley reviewed the other parcels taking part in the Phase 1 assessments:

180 Bridge St (LPC Parking) - Mr. Foley said they have not agreed to participate. Perhaps they can consider whether to proceed with phase 1 without interview or on-site review when Mr. Foley returns.

194 Bridge St (Town-owned): Town approved SRG to do a phase 1 and wetlands if necessary. In progress.

114 Huttleston (former Motel between drive in & West Marine)- Mr. Foley met with owner today. They recently performed a phase 1 and a prospective tenant just finished a phase 2.

120 Alden Road (Fairhaven/Koopman Lumber). Mr. Foley met with owner of the property and his lawyer yesterday. They said a phase 1 was performed by SITEC over 20 years ago. He said the new owners,

Koopman Lumber has done a preliminary wetlands delineation and there is a signed P&S with Koopman, Koopman is looking to do a drive-thru in that area for the lumber yard.

14 Plaza Way (Staples, McDonalds, Dunkin) - Mr. Foley does have the approval of the owners to perform a phase 1; already had a wetlands delineation done recently.

4 David Drown Boulevard - (former roller skating rink)- Mr. Foley said they already had one done. He thinks it would be helpful for us to get a copy. Mr. Foley is trying to get in touch with the owners North of this property.

Mr. Foley stated that he was contacted by SRPEDD this week and they want to get going on the study in the Northern District.

Moving forward, Mr. Foley said they signed the contract with FXM today for the union feasibility study; it should be ready in 12-14 weeks. Mr. Foley offered to help with the interviews and making contacts with those to be interviewed for the study.

Mr. Foley reported that the Town got word this week that all the By-laws that were voted at Town Meeting got approved by the Attorney General. Mr. Foley has created a draft short-term rentals application to assist in the Building Department. Mr. Foley has begun a list with owners that want to get on this list. He did speak to the Building Inspector, Chris Carmichael, who stated it wasn't one of his priorities at the moment. Mr. Foley advised him as of November 15, 2021 it was going to be a law, so it should be a priority. Mr. Foley stated he will continue to try to work with him and offer his assistance.

Mr. Foley said he did speak to the owner of 4 David Drown Boulevard and they want to use the space for an flea market/antiques vendor location. Mr. Foley suggested they go review New Bedford Mills; the owner did and reported back that they do want to follow that model. Mr. Foley said because of the parking, they may have to come before the Planning Board, or at least come in with a preliminary plan to discuss.

111 Huttleston Avenue - Mr. Foley said he heard they were making the outdoor dining area permanent and if that was the case they would have to revisit the parking per the Special Permit Conditions on this property.

Mr. Lucas said he was present at this venue and it is true that the outside dining currently blocks the drive thru from Hemlock to the other side. He said he noticed they have lost about 10 parking spaces and singled out parking dedicated for the liquor store. He said that was supposed to be community parking for both buildings but now it seems reshaped and not sure the numbers still match. He said it certainly needs to be reviewed.

Ms. Melanson said she still owns that property and the parking is plenty. She said there are plans to put the seating on the outside and she will fight for this young man. She said she has jumped through many hoops many years before.

Mr. Foley said if it's a change it needs to come back in front of the Planning Board to be approved at some point. Mr. Foley said that he doesn't expect them to come right in due to the ongoing state of emergency, and he certainly doesn't want to take business away from anyone but that the special

conditions and parking triggers a site plan review by the Planning Board and that's what has to happen eventually.

Mr. Lucas said he is not trying to shut down any business either; he said he noticed there was a difference in the parking. He said the traffic flow has changed in that area and the parking was a premium on the day he was there, and his party had to park off-site.

Mr. Foley said that a site plan review/update needs to be done after the pandemic or at the end of the Governor's state of emergency and he suggested perhaps a letter to the establishments informing them of such be sent out.

4. LONG RANGE PLANNING:

a) Town Planner Update: Rt6/240 Plan

5. OTHER BUSINESS:

6. Next Meeting: Tuesday, October 26, 2021.

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidalgo. The motion passed via roll call vote, 6-0 at 9:15p.m.

Respectively submitted,

Patricia A. Pacella