



FAIRHAVEN PLANNING BOARD

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

FAIRHAVEN PLANNING BOARD
December 14, 2021 Minutes

RECEIVED
DEC 14 2 12 P

1. **GENERAL BUSINESS:**

a) **Chair's Welcome and Media Notification:** Chairperson, John Farrell opened the Planning Board meeting at 6:30p.m. He read into the record that the meeting was being recorded and the members were present via Zoom.

b) **Quorum/Attendance:**

Present: John Farrell, Cathy Melanson, David Braga, Jessica Fidalgo, Wayne Hayward, Jeff Lucas and Rene Fleurent, Jr.

Absent: Geoff Haworth

Planning Director, Paul Foley was also in attendance in the Banquet Room.

c) **Minutes:** November 9 and November 23, 2021 drafts to be reviewed:

November 9, 2021 - Cathy Melanson made a motion to accept the minutes as written and was seconded by Jeffrey Lucas. The motion passed unanimously via roll call vote. (4-0).

November 23, 2021 - Cathy Melanson made a motion to accept the minutes as written and was seconded by Jeffrey Lucas. The motion passed unanimously via roll call vote. (5-0).

d) **Planning Board Bills:** \$3837.50 - out of the 89 Account, GCG peer review of Nye Lubricants.

Jeffrey Lucas made a motion to pay GCG \$3,837.50 and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote.

e) **Correspondence:** None.

2. **PUBLIC HEARINGS:**

a) **Public Hearings:**

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

Mr. Foley advised that the applicant has requested a continuance to the January 11, 2022 meeting.

Mr. Lucas made a motion to continue, SP 2021-02, Crow Island to January 11, 2022 and was seconded by Ms. Melanson. The motion passed unanimously via roll call vote.

- ii. **SP 2021-04 - Nye Lubricant Expansion:** *To be continued without testimony to January 25, 2022 at the applicants request.* Proposal to construct a 60,000 sf addition to Building 3 at 12-16 Rio Way (Map 19 Lot 242 - 10.28 acres) off Howland Road.

Mr. Foley stated this hearing was already continued to January 25, 2022.

b) Other Reviews:

i. **Overlook Subdivision:** Form E - Request for final lot release.

3 lot subdivision on Overlook - the road has been finished with blacktop -confirmed with DPW that the road is adequate and complete - they are asking for lot to be released.

Mr. Foley stated he reviewed the road and spoke with Superintendent Furtado who stated the DPW was all set with it being completed.

Mr. Lucas asked if DPW had looked at just the road being paved or all of the trees and drainage that encompassed the plan.

Mr. Foley said that he asked Mr. Furtado if the road was complete to his satisfaction and he said, "Yes." He did not check on the utilities but believes the road is good to go. Mr. Lucas stated he knows from past experience that the Planning Board has been out of the loop on sign-offs. He also stated that if Mr. Furtado was okay with it being complete, then he was fine with it.

Mr. Hayward made a motion to approve the Form E Covenant for Overlook Subdivision Plan, Lot #4 and it was seconded by Jeffrey Lucas. The Motion passed unanimously via roll call vote.

ii. **Chapter 65 Park Project:** Review of Proposal to CPC for new paved BMX Pump Track at Macomber Park on Bernese Street.

This project is currently seeking funds from CPC. Mr. Foley explained what exactly a "pump track" is and reviewed pictures with the board and noted Mr. Rotondo and Mr. Hathaway were present to answer any questions. Mr. Foley explained that all proposed Town properties and projects should come in front of the Planning Board for review and this is why they were present, to seek some direction.

Mr. Hawthorne explained where the BMX Pump Track is currently located at Macomber Park and where they want to move it to. He said currently it is all fill and they were proposing to pave the new track. He stated they did receive a grant from United Way in the past and they still have monies left in that grant. They have gone before DPW, who were enthusiastically supporting the project as well as had conversations with Conservation.

Mr. Foley reviewed a bit about what discussions taking place at CPC. He stated that the park proposed will sit in the buffer zone and will need an engineered design. Mr. Foley stated his concerns were of not having all the parks being taken up by pavement and perhaps reviewing the parks in Fairhaven to identify where paved facilities and courts and such are and whether they are adequately being utilized. Mr. Foley noted there are basketball courts at Macomber Park and perhaps they could review that for a possible location for this BMX track, if those courts are being underutilized. He said this is not a for or against discussion, but rather a discussion on how best to utilize the parks in Town and to protect open space as well. He noted that the CPC voted \$200,000 last year to resurface the skate park and he wondered if we could make that facility more bike friendly. He thinks that going forward we have to think about multi-functional facilities. We can't just give everyone that asks for it their own facility, then we will have no park space left and will spend all of our CPC money on repaving and repairing facilities.

Mr. Hawthorne said he has recently heard there is a Town Engineering account that they could tap into to get better plans drawn up on the pump track.

Mr. Rotondo said the basketball courts at Macomber Park are most definitely underutilized. He said that he has spent countless hours at the existing BMX track and has not once seen someone at those basketball courts. He said that he would be open to moving the facility to the basketball courts if that's what people believed would be better for the project.

Mr. Lucas stated he was the Planning Board representative on the CPC. He said that there should be a constant flow of these projects that should be coordinated better throughout the Town for review, versus just landing in

the lap of CPC for monies. He said the CPC shouldn't be the Planning portion for projects and the projects need to be vetted through the DPW, Planning Board and other responsible parties within the Town first. He also stated that CPC is put in a terrible position to make a decision to be reactive vs. proactive. He said he was giving general comments about projects in all not specifically to this project

Mr. Foley stated he tends to agree. He said this was one of the reasons he was seeking a tree/park committee in Fairhaven. He said there is an Open Space Plan Committee but that ceased when the plan was complete. He reiterated his concern that the parks need an overview.

Mr. Hayward stated that the project was not following the correct procedure that the Town has laid out. He said there is an engineering account with \$2,000 in Fairhaven but there are stipulations on using that account. He said that the Superintendent of DPW should be aware of the process and shouldn't just be offering projects the monies without following procedure. Mr. Hayward explained the stipulations were written to be a two-thirds vote of the three boards: Select Board, Planning and DPW. To his knowledge, there has not been a meeting with those three boards. He said he would like to see them stick to the by-law that was put together for this type of project utilizing the engineering monies.

Mr. Hayward asked who would be responsible for cleaning up the current BMX track.

Mr. Hawthorne said they were looking to use some of the fill to build features on the new track. As well as level off the fill and work with the Conservation Commission in replanting native species and a 'meadow' buffer project in that area.

Mr. Hayward asked if the Conservation Commission had approved the first track in that location, to which Mr. Hawthorne stated they did. They are looking to move it to improve it and make a fresh start with a new facility.

Mr. Fleurent asked about the weekly or monthly maintenance to the track and who is going to maintain it. He wondered where the money would be coming from to maintain it.

Mr. Hawthorne stated they would continue to use volunteers to keep the grass mowed and tidy. He said they would do any repainting themselves.

Mr. Braga stated he would like to see the project move forward eventually as there are no other pump tracks in the area. He said there is a big difference between pump tracks for bicyclists and a skate park for skate boarding. He doesn't see the two incorporated.

Mr. Lucas said that this will become a Town project. He said once there are CPC funds, it becomes a Town project and the Town is ultimately responsible. He said that he hopes it can be built somewhere and that there are good intentions to get this off the ground, but ultimately the upkeep and long-term effects of maintaining it will become the Town's.

Robert Hobson, a member of the BPW asked to speak via a phone call on Zoom. He stated this project was before the BPW and they supported it. He said that Macomber Park is the most underutilized park in Fairhaven.

Mr. Hayward reiterated the procedure for using the Engineering Fund account and stated he will get the information over to Mr. Foley for review. He said he is not oppose to using the money for this project, but it should follow procedure, created in the Town's by-law.

Mike Rotondo, stated in regard to location, Macomber Park is easily located off the bike path and a great location for those using the bike path. He is a recent member of the Bikeway Committee and hopes to see signage on the bike path that will identify where the pump track is.

Mr. Hawthorne stated that Mr. Furtado has had many conversations in front of the Interim Town Administrator regarding the engineer funds and that that subject just hasn't come up. He said there is a lot of social media

around 'bike gangs' and he thinks this would be the perfect park for those children to be somewhere, versus on the street riding around town.

Mr. Hawthorne stated the engineered funds account process is not something that would go in front of the TA, but in front of the three boards per the by-law. He stated that there has been no such meeting for that discussion.

Mr. Foley said there definitely has to be more work and discussion done surrounding this project. Mr. Hayward asked if this location had been looked at previously for the 'dog park', and Mr. Foley stated it had and was approved by the BPW, but that Conservation didn't approve of this location because of the proximity to wetlands.

3. **CURRENT PLANNING:**

a) **Rogers Reuse Committee Update:**

Mr. Foley said the next meeting would be on December 15, 2021. He said there is a second draft of the RFP and he reviewed the key changes. He said they are hoping for more respondents. He said they will be reviewing possible ANR configurations for the property as well. They are looking for projects that work with vision and are compatible with the neighborhood and sustainable for the future. He said that it could be on the Select Board as soon as next week.

The representative of the Planning Board on the Rogers Reuse Committee, Mr. Hayward stated that the RFP may be ninety percent similar from the past, but ten percent could have a great deal of impact. He said that as far as he was aware, it had not been flushed out with the Rogers Reuse Committee as of yet. He said that this was the first time he was hearing that it may be on the Select Board agenda next week and felt that was too soon of a time frame. He believed that was a bit rushed. He said he was coming from a place of encouraging more compatibility for the neighborhood.

b) **Town Planner Update: 40R/TDR Grants; Site Readiness Grant; Union Wharf Feasibility Study; Shared Streets.**

Mr. Foley reviewed the Union Wharf Feasibility Study and stated they have had interviews with stakeholders and have a few more scheduled for next week. He said there would also be a kick-off meeting with FXM and Foth Engineering next week. They would be also speaking to Charlie and Bob Mitchell, Gail Isaksen is a possibility as well.

Mr. Foley reviewed a few key issues in the area and listed them as, lobster boat basin, land swap, parking, grandfathered building foot print, efficiency.

Robert Hobson gave his opinion regarding Union Wharf and the parking lot.

Mr. Lucas stated he agreed that the land swap was something that happened too quick at the Town Meeting and he feels it wasn't a good decision as most people probably don't even know what they voted for.

Board members discussed the Union Wharf feasibility study as to some of the key issues that Mr. Foley brought up.

Mr. Foley stated there is a new owner to Park Motors parking lot who has some ideas for a mixed-use project.

Shared Streets - Mr. Foley stated he did a site walk with the consultant engineer and contractor most recently. They reviewed Alden & Howland; Alden & Glenview; an entry to a bike path on Main Street. They also looked at complete street location on upper Main Street at Sacred Heart and Dana Farms.

Bus Shelter updates: Mr. Foley stated there will be a bus shelter in front of Sacred Hearts. Other bus shelters that we discussed on Route 6 will need some funding for future build outs.

Site Readiness Grant: Phase one is complete for several properties with a few more to go. The Drive-In property approved the phase 1. Mr. Foley reviewed the other properties that have approved a phase 1 E&A to be done on their property. The other properties are 180 Bridge Street (LPC), 194 Bridge Street, 114 Huttleston Avenue, 120 Alden Road, 14 Plaza Way, 4 David Drown Boulevard. (4 David Drown stated they already had one done).

Mr. Foley stated there may be a Chipotle coming soon between McDonald's and Sullivan Tire.

Mr. Fleurent asked about the property around the drive-in as wetland properties and shared his concerns.

Mr. Foley said that is one of the issues the grant is trying to review. The owner wants to clean out the drainage ditches before going further with a wetlands delineation.

Mr. Hayward asked if Mr. Foley has had any discussions with the old Citizens Bank owner. Mr. Foley said he did have a conversation with the owner who is still looking for tenants.

Mr. Foley said the Town was recently awarded two grants. One was a One Stop Grant of \$75,000 to hire a consultant to help write a 40R Overlay Bylaw. They also received an E&A Planning Assistance Grant for \$45,000 (\$20,000 for FY22 and \$25,000 for FY23) for similar purposes. He stated there are also funds left in the Best Practices grant for the Route 6/240 plan.

Lindsay Arsenault, 19 Glenhaven Rd. asked about the possibility of the pad where Chipotle wants to go. Mr. Farrell stated that we have heard from the planner that someone is conceptually thinking of perhaps a Chipotle. Mr. Hayward reminded Mr. Foley that the Annual Report for the Planning Board must be due soon.

Mr. Hayward made a motion to adjourn and was seconded by Cathy Melanson. The motion passed unanimously via roll call vote, 5-0. The meeting adjourned at 8:18p.m.

Respectively submitted,

Patricia A. Pacella
Recording Secretary