



FAIRHAVEN PLANNING BOARD

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PLANNING BOARD MINUTES TUESDAY, MARCH 15, 2022

FAIRHAVEN,
MASS.

1. GENERAL BUSINESS:

- a) Chair's Welcome and Media Notification: Chairperson, John Farrell opened up the meeting at 6:33p.m.
- b) Quorum/Attendance: Present: John Farrell (Chair); Wayne Hayward (Vice Chair); Cathy Melanson (Clerk); David Braga; Jessica Fidalgo; Rene Fleurent (6:41 pm); and Jeffrey Lucas (6:39 pm)

Absent: Geoff Haworth

- c) Minutes: February 22, 2022 draft to be reviewed: Cathy Melanson made a motion to approve the February 22, 2022 as written and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote.
- d) Planning Board Bills: \$210 to the Fairhaven Neighborhood News for advertisements regarding the Tree Bylaw and Narragansett Bylaw. Cathy Melanson made a motion to approve and pay the Neighborhood News as described and was seconded by Jessica Fidalgo. The motion was approved unanimously via roll call vote. Jeffrey Lucas abstained.

Fairhaven Neighborhood News - \$150 for the Nye Lubricant ad. Cathy Melanson made a motion to pay the Neighborhood News for the Nye Lubricant advertisement and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote.

- e) Correspondence: None.

2. PUBLIC HEARINGS:

a) Public Hearings:

- i. SP 2022-01 - Huttleston Car Wash: Proposal to redevelop 128 Huttleston Avenue with a new car wash and automobile detailing facility, including associated parking, access drives, vacuum stations, landscaping, stormwater measures and utility infrastructure. Mr. Farrell opened up the Special Permit Public Hearing for SP 2022-01, Huttleston Car Wash.

Mr. Foley reviewed the project as it is proposed at 128 Huttleston Avenue, which is the old Huttleston Motel site. The applicant is Team Ventures Two, LLC (dba Wash Ashore Car Wash). There are wetlands on the east side of the property and they have consulted with the Conservation Agent. There is a bus stop in the middle of the site and they are meeting with SRPEDD to move the bus stop to the west so traffic exiting the site is not impaired by a bus at the stop. The car wash being is a drive thru car wash. Currently there are three curb cuts on the site and they are looking to remove one of the curb cuts. This is in the Business District.

No waivers or variances have been requested. There would be a total of 15 vehicle parking spaces, to include 9 vacuum stations and 1 handicapped spaces.

The landscaping plan includes plantings along Huttleston Avenue and within the area of the curb cut to be removed on the east side of the site as well as along the wetlands to restore the previously disturbed wetland buffer zone in accordance with the Conservation Commission. He stated the enclosed dumpster also has a vegetated screen.

Mr. Foley spoke to the Planning Board's peer reviewer who said the applicant should address the revised bylaws accepted at Town Meeting last year. In the past the project would not require peer review because they are decreasing the amount of impervious surface. However, the new bylaw says that if you are disturbing more than 40,000 sf that some review is necessary.

Mr. Foley routed the plans and there were few issues however one comments suggests the contact the water department to make sure the system can handle the new load. Though perhaps not ideal he thought it was a pretty good fit for the site and the Applicant has been responsive to requests for improvements.

Mr. Farrell asked who the engineer was on record. Mr. Foley stated, Atlantic Engineer, who was on via Zoom.

Mr. Farrell asked if there was an active easement per SRPEDD for the bus stop.

Mike Sullivan said there is no easement that he is aware of for the bus stop. They will have a 25 year lease with the land owner. Mr. Sullivan said he is one of four partners in this venture. They have developed one car wash in Plymouth. He explained they wanted to develop a car wash from the ground up that is customer friendly. This car wash will be a 120 foot long conveyor style wash that offers clean to dry. He said they are looking at approximately 12-13 employees and clarified that was total with 3-4 at any one given time.

Mr. Farrell asked if it was a 24 hour operation. Mr. Sullivan said they typically follow daylight hours and will usually start 7:30 am to 7:00 pm but close will be closer to 6:00 pm during the winter. They offer full detailing as well. Because the entry is at the back there will not be any impact of stacked vehicles at the entrance. He said they can process about 90-100 cars per hour.

Mr. Lucas asked where the parking is for the employees. Mr. Sullivan pointed out the parking for employees.

Mr. Lucas asked about the direction of traffic within the site. Mr. Sullivan explained the flow of the traffic and where they would have "Do Not Enter" signs to stop any reverse flow.

Engineer for the applicant, Nick Clini from Atlantic Design was present via zoom. Mr. Clini clarified the entrances on the site. He noted the large paving area at the entrance that will be removed and revegetated. He explained further the flow of traffic within the site. Mr.

Clini explained the utilities system for the area. He said there would be a transformer pad and showed where the utilities would enter the building via the utility plan.

Mr. Clini explained the rain garden that would be on the site as well as the swales. He showed the rain garden emergency overflow, but they don't expect to have much overflow.

Mr. Sullivan explained where the office was situated on the property with a large window that they can see and address any issues at the pay entry. He said that a staff member would be watching to assist with any issues.

Mr. Lucas asked what the front setback is where the parking would be. Mr. Clini stated it was 10'. Mr. Lucas asked if there were sidewalks before the 10', to which Mr. Clini said there would be and explained the trees/shrubs that would be in that area.

Mr. Clini confirmed the front is actually 5 feet from the property line but 10 feet from the sidewalk. Mr. Lucas would like to see a 10' set back versus a 5'. He said he would rather see the first parking space set back and planted and noted the Planning Board is trying to make Route 6 more appealing.

Mr. Sullivan stated they are already limited on their parking spaces in the front of the site.

Mr. Lucas asked about the grading or regrading of the site would occur. Mr. Clini said they would have to raise a small part of the site a little bit. He said most of the grading would be in the rain garden.

Mr. Hayward noted the width of the parking spaces are 11', which is wider than the Planning requires. He agrees with the separation from Route 6 to the property where the parking spaces are.

Mr. Hayward asked about the water flowing from the North to the South into the rain garden. Mr. Clini explained how the water would be flowing into the swale and into the rain garden and pointed out a spot elevation that was hard to see that would push water that way and keep it out of Route 6.

Mr. Hayward said he was concerned to make sure that storm water does not run into Route 6, especial in the winter and freezing conditions. He asked if they have spoken to MA DOT as of yet. Mr. Clini stated they have not had that conversation yet, as they were waiting to go in front of the Town boards first.

Mr. Hayward stated he was more concerned with the site being on Route 6 and where the signage would be going.

Ms. Melanson stated she wasn't sure they had to move that parking space and they have a lot of plantings. She said she agrees with Mr. Lucas that the ornamental grass can be a problem and that should probably be somewhere else because it will get overgrown.

Mr. Fleurent asked about the cars when they exit and if they are still wet. Mr. Sullivan said they have blowers to get the car as dry as possible before they leave the site.

Referring to the lighting plan, they reviewed the plan and the lights.

Mr. Hayward asked about roof runoffs. Mr. Clini stated he would update that when they return as well as the signage.

Mr. Sullivan said they were trying to keep out of the buffer zone when they put the parking spaces where they were.

Mr. Farrell opened up the hearing to the public for comment. There were none.

Mr. Farrell gave an overview of the issues were at this point and noted the upcoming election and how that might affect quorums.

Mr. Sullivan said they would like an extension to a date certain of April 12, 2022.

Mr. Foley asked if a peer review would be necessary. Mr. Farrell stated he didn't think they needed a peer review. Mr. Hayward stated he would like to see where the unregulated water on the roof was going. Mr. Hayward said he would like to see a quick peer review done.

Roy Catignani, Construction Manager asked about the election pending if the change of parking and signage were to be addressed and if they could push to the March 22, 2022 meeting. There was a discussion around the continuance and a quorum with two new members after the April election. Mr. Farrell explained the situation to the applicants and advised it is up to them when to continue.

Mr. Sullivan stated he would like to continue the meeting to April 12, 2022.

Ms. Melanson made a motion to continue SP 2022-01 Huttleston Car Wash to April 12, 2022 at the applicant's request. The motion was seconded by Wayne Hayward. On the question, Mr. Farrell asked Mr. Foley if he had super notes with the concerns. Mr. Foley stated he did. The motion was approved unanimously via roll call vote.

- ii. **SP 2022-02 - A&A Cars Sales Expansion:** Proposal to expand the existing car sales at 196 Huttleston to 200 Huttleston Avenue, convert the existing building into a sales office for car sales, and utilize the parking areas for display and storage of vehicles.

David Davignon was present as the engineer on record for the applicant and was present.

Mr. Foley gave an overview of the proposed expansion of A&A Cars Sales currently at 196 Huttleston and the end of Shirley Street to also incorporate 200 Huttleston Avenue. He said they were looking to have five raised garden beds in front of the cars on Huttleston Avenue

and a 6' fence along the back of the property along Jason Street. They need to go to the Select board to determine how many vehicles they can have on the property. He reviewed the project summary of the area. The hours of operation are to be 9 am to 7 pm Monday through Saturday and on Sunday from 1 pm to 5:00 pm. Originally the proposal included the towing operation but Mr. Foley convinced them it was better not to bring that closer to the residential neighbors. There is an Activity Use Limitation (AUL) on the former gas station site and they cannot penetrate the impervious surface in front. The applicant has added a few raised flower beds in front to soften the appearance of the front. The rear is to remain gravel, otherwise they will have to perform a drainage report. He reviewed the comments from the Town Departments.

Mr. Davignon along with the applicants were present and the applicant's attorney. Mr. Davignon said they could not do much with the front of the site. He said the proposal is to refurbish the building with the stucco look and the inside of the building for office space. He said none of the surfaces on the site would change. He said they are proposing 25 arborvitaes on the south side of Jason Terrace along with a 6' fence along the property line with the residential abutter. He said they are looking to refurbish the two light poles on the property now and add wall packs to the building. They are showing four employee parking and forty-four display spaces for cars. They will paint the sign poles and put up a new sign.

Mr. Hayward said the 2012 proposal was not a restaurant, it was a 'hot dog' stand. He said the gas station that was there previously went out of business as he remembers. He doesn't recall there was contamination.

Mr. Davignon stated they submitted paperwork from DEP but he doesn't know if it answers the question of contamination.

Mr. Foley said based on a recent Environmental Assessment on another site 600 feet away the detected a plume that came from this site years ago. The site itself appears to have been cleaned up with the Underground Storage Tanks removed as there is the Activity Use Limitation (AUL). Mr. Davignon added an outline was sent to the applicant from January 15, 2021 from the DEP that stated what the do's and don'ts were for this property.

Ms. Rouba Sarkis stated she did have the documentation of the limitations of that site.

Mr. Hayward said he wasn't concerned about the soil conditions on site. He said if they can't make any improvements the concrete won't last forever and would need future maintenance.

Mr. Hayward asked where the property line was on their property. He said that this site needs to be treated as one site. He said there were a lot of existing conditions on this property. He was concerned about the illumination to the residents in the rear of the property.

Mr. Farrell asked if Mr. Davignon had any illumination patterns for the property at this time, to which Mr. Davignon stated they did not. He said they are not proposing to put any lighting in the back of the property.

Mr. Hayward asked for them to give a description of what lighting would be put on the front utility poles.

Mr. Lucas asked about the setback of 10' abutting residents.

Mr. Davignon stated they are not locating cars outside the setbacks. He said they have one abutting resident and they are adding a 6 foot tall fence between the properties and the fence along Jason Terrace with a row of arborvitae outside the fence.

Mr. Lucas stated their regulations state that they should be 10' from abutting residential zoning. Mr. Lucas also asked about the fence on Shirley Street and how long the fence is. Mr. Davignon stated the fence would start on Jason Terrace and run down and across to Shirley Street.

Mr. Lucas stated he was concerned about the 3' in the front of cars on Route 6; he said that he would like to see more open space in front, at least 10'.

Mr. Farrell agreed and would like to see more curb appeal. Mr. Davignon stated they were looking at raised boxes in front of the cars, 36' linear feet. Mr. Davignon stated they would be open to the 10' setback in front. Mr. Lucas stated he appreciates their willingness to work within the setback.

Mr. Albert of 7 Shirley Street asked if there was a gate going along the fence with Shirley Street. He said they are using the end of Shirley Street as an extension of their property; unloading cars, etc. He said they are saying they are going to clean it up but currently they are making more of a mess.

Mr. Hayward stated that this owner will own both sides. Technically he isn't supposed to be using the right of way to park their cars or unload vehicles.

Mr. Farrell asked the applicant what the intended gate is on the property. Ms. Rouba Sarkis stated that it would prevent the cut through from Route 6, as well as for emergencies.

Mr. Lucas stated he wanted to reiterate his concerns about the setbacks on Shirley Street. He said he would like to see a plan consistent with their setback regulations.

Mr. Davignon stated he agrees with the 10' property line in the front of the property. He said they would look at other property lines and setbacks on the property.

Ms. Melanson stated she would like to see that property looking a lot better than it is now which helps our Master Plan.

Discussion continued regarding the fence along the back with Shirley Street and Jason Terrace.

Mr. Braga agreed with the sentiments of the Board. Ms. Fidalgo asked about repaving the front and Mr. Foley stated they could repave, they just couldn't rip it up.

Mr. Davignon request a continuance to March 22, 2022.

Mr. Lucas stated he would like to see how the sign would be handled by the next meeting. Cathy Melanson made a motion to continue SP2022-02, Huttleston Avenue to March 22, 2022 per the applicant's request and was seconded by Wayne Hayward. The motion passed unanimously via roll call vote, with Mr. Fleurent abstaining (he may have had a technical difficulty).

iii. Fairhaven Public Shade Tree Bylaw: Continued Public Hearing for *a General Bylaw Amendment* to create a Fairhaven Public Shade Tree Bylaw.

Mr. Foley stated he did receive comments from Tom Crotty today but hasn't reviewed with him. Mr. Foley reviewed the Fairhaven Public Shade Tree Bylaw. He said this would be to strengthen notification and accountability for all tree work, required record keeping, and notification to Planning and Select board for Tree Hearings and Utility Co., Annual Vegetation Management and Hazard Management Plans.

Mr. Foley stated that the Tree Warden has posted a public hearing for the end of March that still doesn't have all the information that is required by law.

Mr. Hayward in his review of March 3rd draft he asked the Planner to give them a bit more finish project with eliminating the track changes. Mr. Foley said he sent out a clean version and a track changes version.

Mr. Farrell opened up comments on the Tree Bylaw to the public, there was no comment.

Cathy Melanson made a motion to continue the Fairhaven Tree Bylaw to March 22, 2022 and was seconded by Wayne Hayward. The motion passed unanimously via roll call vote; with one abstaining, Rene Fleurent, Jr.

b) Other Reviews/Discussion:

i. PD 2022-02 - Receipt of Island View Preliminary Subdivision:

Mr. Foley explained this is a 2 lot subdivision on the East Side of Sconticut Road. Tonight was to briefly introduce the plans to the Board and review will be next week. He explained where the septic would be located.

Peter Armanetti, the applicant was present. He said John Romanelli worked on this project and just recently sold his practice to Zenith Engineering. Mr. Foley stated the houses would have to be raised.

ii. **Frederick Ave Mylar and Form D Security:**

Mr. Foley stated that the Mylar and Form D Covenant was received and they would like the Board to sign it. He asked everyone to get in touch with him at Town Hall.

3. **CURRENT PLANNING:**

- a) Town Planner Update: Site Readiness; Union Wharf; Rt. 6/240; Rogers; Bylaws to consider – light pollution, setbacks from public facilities, other.

Mr. Foley stated that he met with DEP regarding the Phase 2 process on Bridge Street. With the funds remaining in the Site Readiness Grant they are going to perform a Phase 2 on part of 194 Bridge Street to see if that site can be used for a public safety complex.

We received four RFP responses for the Rogers School, three look like they might meet the criteria; they are listed on the website. He said the Rogers Reuse Committee will be doing a ranking criteria on the RFP's and that the Select board will hold a public hearing sometime in April.

The Town was awarded a \$686,236 CDBG Grant for Hedge Street, Phase 3. Mr. Foley reviewed the next few meetings that are forthcoming.

Mr. Farrell asked for an in-person meeting on March 22, 2022, as it is his last meeting. He said remote participation would be able to join as well. Mr. Farrell felt that the Planning Board should reconsider being in person, especially if they welcome two new members. Ms. Melanson stated she would be able to attend as Mr. Braga advised he would as well.

Cathy Melanson made a motion to adjourn and was seconded by Jessica Fidalgo. The motion passed unanimously via roll call vote. The meeting was adjourned at 10:06p.m.

4. **OTHER BUSINESS:** Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.
5. **Next Meeting:** Tuesday March 22, 2022.