



FAIRHAVEN PLANNING BOARD

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FAIRHAVEN,
MASS.

PLANNING BOARD MINUTES TUESDAY, APRIL 26, 2022

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification:** Mr. Hayward opened the meeting and read the information for meetings under Governor Baker's regulations due to COVID.

b) **Quorum/Attendance:** Clerk, Ms. Fidalgo stated there was a quorum with Mr. Fleurent the only one being absent at this time.

Present: Wayne Hayward, Jeff Lucas, Cathy Melanson, Jessica Fidalgo, David Braga, Kevin Grant and Sharon Simmons. All were present in the Banquet Room at Town Hall.

Absent: Rene Fleurent, Jr.

c) **Welcome to new members of the Board:** Mr. Hayward welcomed newly elected Kevin Grant and Sharon Simmons to the Planning Board. Mr. Grant had been to the previous meeting so this welcome was for Ms. Simmons.

d) **Minutes:** April 12, 2022, draft to be reviewed: Mr. Lucas made a Motion to accept the minutes as written and was seconded by Ms. Melanson. The Motion passed unanimously.

e) **Planning Board Bills:** \$2,455 - GCG peer review of car wash. Mr. Lucas made a motion to pay GCG \$2,455.00 for the peer review of car wash and was seconded by Mr. Grant. Motion passed unanimously.

\$171.45 - Staples. Mr. Lucas made a motion to pay Staples \$171.45 for ink and was seconded by Mr. Grant. Motion passed unanimously.

f) **Correspondence:** Conservation request for letter of support for Climate Change Vulnerability Assessment Grant.

Mr. Foley reviewed the grant for the Town Wide Municipal Vulnerability Assessment Grant that will be applied for by the Conservation/Sustainability Agent and was asking for a letter of support. Mr. Lucas stated he received something from NOAA asking for help on a survey.

Cathy Melanson made a motion to send a letter of support and was seconded by Ms. Fidalgo. Mr. Foley stated he and Mr. Hayward would work on putting it together. The motion passed unanimously.

Neighboring Community Public Hearing Notices: Mr. Hayward advised they received a public hearing notice from the Town of Acushnet regarding a solar moratorium hearing taking place on Thursday if anyone wanted to attend via Zoom. The Town has been inundated by solar farms or have had them built by a neighboring town right up to the border.

Ms. Melanson and Fidalgo and Mr. Braga and Lucas along with Mr. Foley attended a webinar on Zoom discussing Overlay districts and said it was well informed.

2. **PUBLIC HEARINGS:**

a) Public Hearings:

- i. **SP 2022-01 Huttleston Car Wash:** Continued Public Hearing on 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. Foley stated that there were six eligible members present and that is what is needed for an approval on a Special Permit. Ms. Simmons would not be able to vote as there have been two public hearings and this is her first meeting.

Mr. Foley reviewed the project and noted there were revised plans with the changes the Planning Board had asked for. He pointed out what the changes were. The handicap spot was switched as requested. The landscape buffers have been adjusted from 19' to 20' and from 5' to 6'. A loading area has been added and the vacuum equipment has been added to the plans and details page. Several small snow storage areas have been added to sheet 3. The vehicle queuing line has been added and spot grades have been added to the grading and drainage plan.

Michael Sullivan, applicant was in attendance. Mr. Sullivan advised that the revised plans were redone at the request of the planning board. Nick Cini, of Atlantic Design was also in attendance via zoom. He reviewed the changes on the plans and identified where the snow storage would be on the property.

Mr. Lucas asked about the water that will stay in a rain event in the forebay. Mr. Cini pointed out the elevation on sheet number four and that overflow would flow into the rain garden, it will not back flow onto the pavement.

Mr. Hayward pointed out sediment control and how the water needs to be controlled to stay on their site and that he wouldn't want to see it on Route 6.

Mr. Hayward referred to a comment that plans weren't required by the BPW. He said that BPW is the one in charge of the stormwater. He said they will get a copy of the stormwater report. Mr. Hayward noted the lighting has been discussed and is in compliant. Mr. Sullivan stated they will use LED lighting and they are quite efficient.

Mr. Foley said they haven't discussed the lighting relative to the operating hours, which are general daylight hours.

Mr. Sullivan stated entrance and exits will be lit. The vacuums have built in lights as well. They don't want to particularly turn off the lights in the evening from a liability standpoint; as it becomes a dark site. There was a discussion about keeping the property dark-sky compliant and that motion-sensitive security lighting works better for sites like this.

Mr. Hayward asked where they stood as far as Conservation. Mr. Sullivan stated they will return on May 2, 2022. Mr. Lucas asked if there was an order of conditions written as of yet.

Mr. Foley reviewed the standard conditions. He said he added two that were specific to this project and derive from the peer review and the issue of the "anomaly" and the sidewalk.

Mr. Sullivan asked that the lighting condition not include motion sensitive security lighting as they do not want to necessarily cut out the lighting in the evening. The pay stations in particular they do not want in the dark.

Mr. Hayward asked for any public comment at this time. There was none.

Mr. Sullivan referenced condition #13, regarding the dumpster and the particular words regarding the screening or what had to enclose the dumpster. He thought it was a bit redundant. Mr. Hayward asked if they would be screening the dumpster. Yes, with a thick bank of vegetation and the location in the back.

Mr. Lucas noted this was one of their standard conditions and did not want this to set a precedent with a chain link fence. In this case it is way at the back with heavy screening. Mr. Foley suggested they could add words to the effect the enclosure could be built and screened as they described in the plans. Mr. Hayward asked if they should eliminate #13 or reword it.

Mr. Foley suggested wording for the dumpster enclosure that should say it will be screened and built per the plan and maintained in proper working order. Mr. Lucas said he is not opposed to this; however, to their standard condition perhaps they word it differently so that it doesn't set a precedent that everyone can change their standard conditions.

Mr. Sullivan reviewed the condition #14 and asked if it was a standard condition that the whole sidewalk had to be replaced. Mr. Foley said the intent was any part of the sidewalk that might be affected during construction be replaced. Mr. Hayward said they obviously want it to blend with what's already there.

Mr. Cini showed the pictures of the sidewalk on that property. He said there are no cracks as seen on site. He said it is well maintained.

Mr. Hayward suggested wording for the sidewalk to blend what's there. He said they just want to make sure they are going to replace what they constructed where needed.

Mr. Sullivan asked if motion-sensor lighting could come out of the condition. Mr. Foley reviewed he would add the exterior lighting on the poles had to be turned off some time after close or dark, whichever came later, and take out the motion sensitive security lighting.

Mr. Foley reviewed the changes to conditions #11, #13, and #14.

Mr. Lucas stated he'd like to see the conditions before meetings. Mr. Hayward asked Mr. Foley to print out their standard conditions for members.

Cathy Melanson made a motion to approve SP 2022-012 Car Wash with the 17 conditions with #11, 13 & #14 amended as discussed. Mr. Braga seconded the motion. The motion was passed unanimously. (6-0-1). Ms. Simmons abstaining.

- ii. **SP 2022-04 - McDonald's Drive-Thru:** Public Hearing for a second drive-through ordering lane at the existing restaurant located on a pad site at 14 Plaza Way.

Mr. Hayward opened the public hearing for SP 2022-04-McDonald's Drive Thru.

Mr. Foley reviewed the site with the members and the plans for the proposed second drive-through ordering lane. They do not appear to be adding impervious surface but it should be checked. No waivers or variances have been requested. The biggest issue is that the trash enclosure is being moved from directly behind the building out to the edge of the property where it will be very visible.

Jared Walsh, Engineer for the applicant, was present. He stated that since COVID people are using drive-thru's more and the second ordering lane makes the stacking of cars more efficient to go through the drive thru. He said ordering is staggered so they get the order right.

Mr. Hayward asked about the stacking and the cue. He asked if perhaps it was because of ordering online and then people go through, so they don't stack the vehicles. Mr. Hayward said with the 20 foot radius he did not think he would be able to go through the drive-thru because his truck is too big.

Mr. Lucas asked about the outside lane curbing and the width.

Ms. Melanson asked if the measurements are the same at different sites.

Mr. Walsh said that they are standard measurements.

Mr. Grant asked if they would be replacing the bushes where they are moving the trash enclosure. There is a massive amount of pavement in that area and he feels there is a shortage of landscaping on Route 6 as a whole.

Mr. Walsh said that he doesn't think he's going to replace the vegetation, but they would not be increasing impervious areas.

Ms. Fidalgo asked about the curb on that corner and stated it was a tight squeeze and was asking if there was a way not to cut the corner so much. Mr. Braga asked if it would be possible to push the inside contour less so that cars can get around it easier.

Mr. Walsh said the existing curb would be removed; and 20' to 25' radius curb is what is proposed. He explained where the dumpster would be located. He said the dumpster would be 15' x 15' with an enclosure.

Mr. Lucas asked if there were any changes to the lighting. Mr. Walsh said the overhead light would be removed where the current drive thru features is today.

Mr. Hayward stated that it sounds like there are a lot of losses happening in that area. The dumpster is being moved; green space is being lost and he didn't understand why they are changing it as he doesn't see the cue stacking being a problem in that area.

Mr. Walsh stated that his client wants to put these types of dual drive thru's all over new England.

Mr. Braga asked if they were sure they were losing the landscaping to the West. He said he was reviewing the plans and it appeared that the landscaping is not being touched to the Western side. Mr. Walsh said they are modifying it by cutting back some of the overgrowth, but Mr. Braga is right, they are not removing the base of the vegetation next to where the trash enclosure is being moved to.

Mr. Grant agreed that where they were trying to squeeze in maybe two more vehicles in the drive-thru that it feels like they are willing to lose a lot of other space and he's not sure it would work as designed.

Ms. Melanson said she was of the opinion that they were not there to discuss how McDonald's does their business but were present to discuss this drive-thru. She said she has seen this type of McDonald's drive-through on her travels.

Jessica Fidalgo said she worked there for five years and people were always hitting the curb the way it was.

Jeff Lucas said he would like to see a pedestrian crosswalk where the employee's cross the driving lanes to the relocated dumpster.

Mr. Hayward said he was of the opinion that the applicant are putting too much emphasis on the dumpster and losing the flow of the sight. He said it is in their purview not to create a nuisance for Fairhaven residents. How do vehicles get to the window? How do pedestrians get to the dumpster? He said the takeout window is what triggers the special permit. He said he wishes they were putting more emphasis on the redesign of the building.

Mr. Braga asked about the 20' curb radius and asked if they could flatten it out and pull it back a bit. Mr. Foley asked if they could prepare elevations of where the dumpster is going and the second lane so they could visualize it better.

Ms. Melanson asked if what Mr. Braga suggested could be done. Mr. Walsh stated he would take it back to have it reviewed.

Mr. Foley stated his main concern was the relocation of the dumpster to a place where it will be very visible. Perhaps they could improve the landscaping to disguise it better.

Mr. Hayward opened it up to the public. There was no comment.

Mr. Hayward said he didn't care for the design. He added that usually the applicant supplies AASHTO diagrams to show maneuverability. He also wondered how they were going to plow.

Cathy Melanson made a motion to continue SP 2022-04: McDonalds drive through to May 10, 2022, and was seconded by Mr. Grant. The motion passed unanimously.

The

b) Other:

- i. **Marsh Island Chapter 91 sign off:** Project to restore salt marsh by removing dredged materials and re-introduce tidal hydrology, improve the ecology and provide passive recreation.

Mr. Foley reviewed this project, taking out fill and making trails. He said this project was permitted a ten-years ago but was not done at the time. Partly due to the radio antennas on the property. They are looking for a Chapter 91 sign-off which he always presents to the Planning Board before signing off in order to add any comments the Board might have. He noted that the parking will be on Taber Street a residential street. He said it was a good project although he would rather see the access from where the construction access is between the Moby Dick Marina and cemetery. Everyone agreed that it was a nice project for the town to recreate a salt marsh.

Mr. Foley stated he would sign and forward to DEP.

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 said at 194 Bridge Street some excavating will be taking place under the auspices of the DEP. He said they've been testing for gas and water table. The primary concern is gas in old landfills. They are testing to see if it is possible to reclaim the front of the property for a police/fire facility.

Mr. Foley stated the RFPs were due for the 40R today and they received one response. He just submitted a grant for the Union Wharf for the North Wall, Phase 5.

Mr. Foley received an email from SRTA regarding a new program to improve bus stops and benches called "Get on Board with SRTA". He reviewed the timeline with the Board members.

Mr. Foley reviewed upcoming meetings as well as what's on the horizon. Chipotle Restaurant next to McDonalds. A marijuana dispensary at 240 Bridge Street. Nye Lubricant re-application and street acceptance and Special Permit at 154 Huttleston Avenue.

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 May 10, 2022.

Cathy Melanson made a Motion to adjourn and was seconded by Mr. Braga. The Motion passed unanimously.

Meeting adjourned at 8:52 p.m.

Respectively,

Patricia A. Pacella