



Economic Development Committee

Town Hall · 40 Center Street · Fairhaven, MA 02719

FAIRHAVEN,
MASS.

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PLACE OF MEETING: Town Hall for Members and remotely via Zoom
DATE AND TIME: Thursday, May 5, 2022 at 6:30 PM - Draft
MEETING TYPE: Economic Development Committee

Minutes

Quorum and Attendance: Present: Kevin McLaughlin, Chair; Travis Rapoza; Jessica Fidalgo; Bernard Roderick; Cathy Melanson; Eddie Lopez, Leon Correy.

Paul Foley, Planning Director, was also present.

Mr. McLaughlin called the meeting to order, reviewed attendance for a quorum, and read the open meeting law for the record. He also welcomed Leon E. Correy III as the new Select Board Representative on the Committee.

Review and Approve Minutes of the March 17, 2022 meeting

Mr. McLaughlin forwarded the minutes from the March 17, 2022 meeting.

Ms. Fidalgo made a motion to approve the minutes and was seconded by Ms. Melanson; vote was unanimous (6-0), with one abstention from Mr. Correy.

Correspondence:

There was no correspondence for this meeting.

EDC Expiring Terms and EDC Committee Assignments:

On May 31st, terms for the at-large committee members will expire. Mr. McLaughlin will be forwarding a list of the current members to the Select Board to be appointed for another term. All four at-large committee members (Mr. Rapoza, Mr. Roderick, Ms. Melanson, and Mr. Lopez) affirmed that they wished to be re-appointed.

Mr. McLaughlin noted that there are vacancies for two alternate non-voting members and that he had recently been approached by a citizen in town regarding the Committee. At Mr. Correy's suggestion, he will have that citizen send a letter to Vicki Oliveira for the consideration of the Select Board.

Ahead of the June meeting, members should consider how they may wish to re-organize the positions of Chair, Vice-Chair and Clerk. They will also need to decide on the EDC Committee assignments to the Rogers Re-Use Committee and the Lagoa Friendship Pact Committee, along with possibly requesting new assignments to the Capital Planning Committee and the Marine Resources Committee.

Mr. Correy mentioned that after Town Meeting, there will be a review of the town committees by the new Select Board and the new Town Administrator.

Conversation Commission proposed bylaw changes:

Ms. Whitney McClees, the town Conservation Agent and Sustainability Coordinator, was invited to speak to the committee regarding the March 21st Conservation Commission public hearing on changes to the bylaws. The proposed bylaw changes fall into the 3 categories:

1. The EPA requested to be included in communication in regards to projects occurring within New Bedford harbor to ensure that the projects will not interfere with the Superfund Cleanup Process.
2. Adding language to Wetland Functions and Values section within the Purpose of the bylaw, adding the ability of resource areas to mitigate the impacts from climate change, and allowing the Commission to consider and offset climate change impacts when looking at projects to make sure they will be sound, viable investments along with protecting the environment.
3. Adding definitions to the bylaw for better clarity for the existing language and the proposed changes.

Mr. Lopez requested further clarification on the second category and particularly how it would affect both existing businesses trying to redevelop or new businesses wishing to develop in Fairhaven.

Ms. McClees explained that as Fairhaven is a coastal town, it will see disproportionate effects from climate change, such as sea-level rise, erosion, storms and flood zone changes. As such, the Commission wants to encourage applicants to consider the full life of service of their projects and how they will be affected by climate change in the coming years, and their long-term viability versus the short-term. An example given was considering if a new sub-pump station would eventually end up underwater in a few decades.

Mr. McLaughlin raised his concerns that these changes would affect anyone in a resource area and create an undue economic burden, along with the burden of climate change itself, on property owners in those areas. He continued to note his issues with the open-ended nature of the bylaws, the difficulty of dealing with the unpredictable nature of climate change, how many property owners this could affect given the percentage of the town subject to the Wetlands Protection Act, and the town enacting more stringent regulations than the state itself.

Ms. McClees clarified that the bylaws are more for providing a science-based method of evaluating if projects will have an impact on resource areas and the various ways wetlands help to mitigate the effects of climate change via water pollution control, flood control, storm damage prevention and providing wildlife habitats. It is less about putting the onus on applicants to fix climate change and more about clarifying the ways that the wetlands reduce the impact of climate change. State Wetland Protection Acts tend to be a loose outline of the responsibilities whereas the more detailed information often comes in the form of local regulations. The Commission's proposed bylaws will allow for flexibility for them to update the local regulations over time via public hearings. This is similar to how Mass DEP handles the state regulations. Additionally, Home Rule Law in Massachusetts allows for a municipality to pass more stringent regulations than the state itself. Overall, the Town wants property owners to consider the impact of climate change on their projects.

Mr. Lopez asked if the intention of the new language was an opportunity for the commission to deny applicants outright or seen as an opportunity to educate applicants but allow their projects to be approved nonetheless. He noted that the last update to the regulations concerning the buffer zones has added resistance to commercial development which has a negative economic impact on the town.

Ms. McClees assured that the Commission's intention is not to deny everything out of the gate. In her conversations with applicants, so long as a project complies with the regulations, she will recommend approval. Overall, the goal is to provide tools to protect the resource areas and their ecosystem services but still allow people to use their property.

Mr. Correy pointed out that while encouraging development is the EDC's focus, it should also take into account filling in the vacancies in town first alongside protecting Fairhaven's appeal as a coastal town with natural resources. These bylaws are to encourage residents to be responsible with those resources.

When Mr. Correy inquired if any members of the EDC had attended a Conversation Commission meeting, Mr. McLaughlin noted that he attended the public hearing in March but did not feel there was a proper dialogue. He read off the EDC's goals and mission statement to emphasize the Committee's commitment to increasing economic activity within the town. He feels that this bylaw change and the regulations that follow will only hurt economic development and that he needs to call it into question as a representative of the business and property owners within the town. As an example, he noted the existing regulations around the 0-25 foot buffer zones that currently affect property owners.

Mr. Lopez followed up that while he understood the balance trying to be struck, new regulations could still increase the difficulty of new development. He also addressed Mr. Correy's concerns with vacancies by bringing up the town's proposed zoning changes. He would like to see any new regulations be transparent and specific, citing the existing one regarding needing the Conversation Commission's permission for work done within 100 feet of a resource area.

Mr. Correy agreed that the current language is too ambiguous and that tangible clarity will need to be added. He also asked if the Select Board would be making the final decision on the bylaw.

Ms. McClees replied that under the Wetlands bylaw, Conservation Commission can pass regulations subject to that bylaw autonomously. Since bylaws have to be approved at Town Meeting, they are vague by design with the specific details – such as what areas are under the Conversation Commission’s jurisdiction and what the regulations apply to – are placed within the regulations themselves. She compared the State’s 8 Page Wetlands Protection Act to the 300 pages of specific regulations as an example. The Conversation Commission should be seen as Fairhaven’s local Environmental Protection Agency and its mission is to protect the town’s natural resource areas. She also clarified that projects have been permitted under the 0-25 foot buffer zone regulations, so long as the work is done only in previously disturbed areas. These new regulations would have the same intention to protect the natural resources first and foremost but have a balance to allow for redevelopment.

At Mr. Correy’s prompting, she elaborated that the Commission gives more flexibility for redevelopment in areas that are already disturbed, citing the former motel and drive-in sites as specific examples of projects the Commission is working on. When Mr. McLaughlin had follow-up questions on the current buffer zone regulations, Ms. McClees cited that anything permitted under the Wetlands Bylaw, at the discretion of the Commission and within the regulations there is language about handling redevelopment in previously developed areas, outlined procedures for variances and the condition that would allow for a variance from the regulations.

Mr. Lopez asked if the proposed regulations would only apply to resource areas and property within 100 feet of them.

Ms. McClees explained that the regulations would apply to anything that is defined as a resource area, which currently includes any wetlands areas and the flood zone. The bylaw would clarify the definition of the flood zone and the coastal resilience zone – this would include the existing flood zone as defined by FEMA based on historic flooding along with areas projected to become part of the flood zone as a result of climate change. This would help the Commission make sure that any new projects created within the resilience zone would not create undue damage in a flooding or severe storm event and protect what is already there.

At Mr. Lopez’s prompting about what areas of the flood zone fell under the jurisdiction of the Conversation Commission, Ms. McClees outlined that the whole flood zone is already under its jurisdiction. This coastal resilience zone would be adding areas that will be part of the flood zone within a determined timeline.

Mr. Roderick wished to know how many developers and/or individuals had been deterred or denied under the current existing bylaws.

Ms. McClees recalled that in her three years of service, she could only remember three denials out of several hundred applications. Denials tend to be very rare, with 99% of projects being ultimately approved. Within the last eight to ten months, most projects are approved at the first hearing and it is rare for a project's hearing to go beyond one or two meetings.

In that case, Mr. Roderick wanted to know if more regulations were truly required.

Ms. McClees explained that by putting language into the new bylaw that communicates how the Commission is looking towards the future, what they are taking into account with their regulations, and how projects and resource areas alike will be impacted by climate change. The hope is that applicants will know what the Commission expects before they even come in with their projects and that they will continue to have positive outcomes.

On the last point, Mr. Correy wished to know if there would be an increase in the percentage of denials and she believed that it probably would not change much. In wrapping up her time with the Committee, she welcomed any further questions and one on one conversations.

Local Business Spotlight: Pickleball at the Carousel

Bob Ferreira and Adam Rogers took over the former Carousel Roller Rink at 4 David Drown Boulevard and are now planning to open an indoor Pickleball center.

Mr. Rogers outlined that he and Mr. Ferreira first had considered different business models such as a flea market but decided to invest in pickleball after hearing about it from Mr. Foley and then studying the success of Pickles in Hanover, MA. Apparently Pickleball is one of the fastest growing sports in the nation. Within the 22,000 square foot building they are creating 5 tournament-sized courts and 2 championship-sized courts. He noted that Fairhaven Pickleball Association alone has over 400 people on their email list and they've received great feedback from the community so far. Currently, the beginning of July is the target date for the soft opening. Presently, they are working with the Board of Health to be able to supply refreshments to go along with their planned spectator area. The hope is to host a wide variety of events such as tournaments and regular league play along with drop-in play.

As both Mr. Rogers and Mr. Ferreira are local to the area, they are excited to invest locally and bring "Southcoast Pickleball" to life, especially as many Southcoast residents have fond memories of the original Carousel.

When asked about the golf course, Mr. Rogers explained that while there have been offers to renovate it, the focus is first on the main building. For now, they are leaving open both the options for renovation and for replacing the golf course with outdoor pickleball courts.

As part of their plan to offer refreshments, they are in the initial phases of applying to both the State and the Select Board to be able to serve beer and wine as social beverages.

They are planning to operate year-round. In addition to catering to adult pickleball players, they would also like to offer kids camps and clinics. They are currently courting pickleball professionals to offer lessons to players of all skill levels. Additionally, legislation at the state level could make pickleball eligible as a high school sport.

Mr. Rogers will be the operator to start but is looking for a handful of employees from a wide range of different ages from young, athletic people looking for a first part-time job to retired people who are looking for a few days of work per week.

When asked how the Town could support his business, Mr. Rogers assured that working with the Town of Fairhaven has been great so far and that everyone they have spoken to have been very responsive and offered great feedback in a timely manner. In the future, they may reach out to see about changes to the structure of the property such as redeveloping the large parking lot. He also would like to promote fellow local businesses with fliers and posters.

Mr. Rapoza suggested that the business should friend the Hometown Fairhaven Facebook Group in order to help promote it via social media.

After the Southcoast Pickleball spotlight had wrapped up, Mr. Foley put forth his suggestion for the next local business spotlight – Fairhaven Pharmacy. The business hopes to open in June but is currently waiting on two federal licenses. Once open, they hope to offer local delivery.

Business Journal Headlines & Trends:

Below is the list of the articles Mr. Foley summarized for the committee:

- (BBJ 3/22) Proximity bias can be a costly challenge for the hybrid office.
- (BBJ 3/23) Newton considers 'net zero' mandate for bigger buildings.
- (BBJ 3/25) Feeling airline sticker shock? Here's why you may want to get used to it
- (BBJ 3/29) Personal lives trump work as employees reset priorities after Covid-19
- (BBJ 3/31) Gen Z is entering the workforce. Here's how employers can meet their needs...
- (BBJ 4/2) 5 fatal flaws of returning to a newly hybrid office
- (BBJ 4/7) Permanent remote roles are growing at a faster pace than expected. It could put pressure on employers
- (BBJ 4/11) Shareholder activism is on the rise in 2022

- (BBJ 4/12) Pay and flexibility are key demands, but there's another benefit many workers will quit over
- (BBJ 4/14) It's all about the vibes
- (BBJ 4/15) Soaring inflation is putting small businesses in a bind. Here's how they are coping
- (BBJ 4/19) Here's how the March housing market fared and what's on the horizon
- (BBJ 4/20) Business-travel revenue for hotels expected to remain billions off pre-pandemic levels in 2022
- (BBJ 4/21) National Grid targets fossil-free gas and electric networks by 2050
- (BBJ 4/22) Union efforts are on the rise
- (MA Econ Dev Call 4/29) Outdoor Dining & "To-Go" Cocktails extended to 2023

During the discussion, the committee covered the trends in remote and hybrid work, investing, inflation, the housing market, and re-adapting pandemic-area policies going forward.

Web and Social Media Responsiveness (Civic Plus, etc...):

Originally, CivicOptimize had been seen as more of a notification product to allow residents to opt-in to updates from the town government. But on further research, they would also provide more interactions with the town such as applications and licenses that would allow residents to do business on a more flexible schedule.

Mr. Foley plans to speak with the IT Department to see if these new functions could be added to the existing town website. It was noted during the discussion that the Building department already utilizes online permitting and that the town regularly posts recordings of the government meetings online. Mr. McLaughlin agreed that this system would benefit the town by ensuring that residents and business owners could easily stay informed and he hopes that the Select Board will see it as a worthwhile investment.

Union Wharf Feasibility Study Proposal Update:

Mr. Foley spoke to Mr. Frank Mahady to schedule site visits to Plymouth and Sandwich, MA to see how they renovated their waterfronts. He then covered some basic tweaks to improve the wharf such as adding space for more boats, securing the electrical connection and possibly extending it, cleaning up the area around the boat launch, and reworking the parking lot layout. There is also the possibility of adding a building that could be used as a classroom/function space with a command post for public safety above it.

Recently, the town applied for another \$1 million grant with a 25% match to be requested at Town Meeting to cover phases 5A and 5B of the steel sheet wall. State enhanced dredging will begin within the next year and steel sheet walls will allow for a closer dredge than the existing granite walls which will allow for the presence of larger vessels.

At Mr. McLaughlin's prompting, Mr. Foley assured that he wanted to continue to arrange interviews with more of the existing users of the wharf.

RT. 6/240/Opportunity Zone Redevelopment Study, Town Planner Update:

In covering the different grants, Mr. Foley had received an extension for the Best Practices grant to leverage the remaining \$26,400 to help with further applications.

The Site Readiness grant money (\$75,000) is being used on 5 Phase 1 Environmental Site Assessments around the Target Area, including a Phase 2 assessment at 194 Bridge Street that included water testing. They are hoping to reclaim the first 200 feet of that property for a possible public safety building site in front and a relocated recycling center in back. The backup plan would be just the creation of a recycling center. The consultants will come back with their projections on the cost of reclaiming the area.

The Complete Streets projects have been delayed as the previously assigned engineers have left the partner company. Mr. Foley and Mr. Vinnie Furtado from the DPW will work together to see what can be done under the existing contract with the new engineers.

Mr. Foley will be following up with SRPEDD to make sure that the previously committed \$75,000 of DLTA funds with the FY21 EDC match of \$7,000 are being properly spent under the existing contract as work has so far been slow.

The \$75,000 1-Stop for Growth Community Planning Grant will be used to hire a consultant to help write the 40R bylaw and develop graphic design standards. There is an additional \$45,000 in EEA Planning grants (\$20,000 from FY22 with \$25,000 from FY23) to also help with this process.

After Mr. Foley put out an RFP for a consultant, he received a response from SpectorGroup + Historical Concepts. The company sent him a 57-page brochure covering their work, of which a few slides were shown. The main appeal of working with SpectorGroup comes from their Historical Concepts architectural pattern books which ensure that any new buildings match the existing character of the town. Examples shown were Southhampton and Riverhead, NY. While discussing the pattern book, Mr. Foley mentioned that the target area is outside of the flood zone and resource area which makes it attractive for development.

Mr. Foley went over the budget for this project, coming to around \$150,000 when totaling up the various grants and projected EDC funds. However, SpectorGroup quoted \$300,000 for a low-end offer. A compromise could be made with SpectorGroup focusing on the pattern book and design standards. He

will look for a local lawyer or possibly local government committees to work on the bylaw, housing studies and ensure meeting DHCD eligibility requirements, though all of those processes would be time-consuming. Mr. Foley will speak to Spector Group to see if a viable solution can be found.

EDC Budget:

Mr. Foley covered the usage of the EDC budget over the past few years. He noted that FY23 was originally budgeted at \$3,000 but he lobbied for an increase and the new projected budget is \$8,000.

- FY20 - \$5,000 to FXM to Update Target Area Statistics
- FY21 - \$6,000 as local match with SRPEDD/DLTA \$75,000 (Encumbered)
- FY22 - \$7,000 available
 - Planner asking for a Motion to approve using \$7,000 of EDC FY22 Funds as a the local match to the \$75,000 1-Stop for Growth Grant to hire a consultant (SpectorGroup) to help write a 40R Bylaw and develop Design Standards and Book.
- FY23 - \$8,000

In discussions, Mr. Foley noted that the 1-Stop for Growth Grant is expecting a local match of at least \$6,000 in order to grant the \$75,000. Most of the EDC's money goes to local matches, with approximately \$1,000 to \$1,500 retained to pay the recording secretary.

Ms. Melanson made a motion to utilize \$7,000 of EDC FY22 Funds as the local match for the 1-Stop for Growth Grant, seconded by Mr. Lopez. Passed unanimously (7-0) via roll call vote.

After the vote, Mr. Foley then gave an overview of the various Fairhaven Redevelopment Areas projects for Mr. Correy. This includes the Plaza Target Area 40R, Plaza Target Area Industrial, Route 6 40R, Benoit Square in North Fairhaven Mixed-Use, Downtown Mixed-Use, and Scoticut Neck Rd. Mixed-Use projects. Setting up a pattern book would help to streamline the building process for these projects. He also brought up the issue of building around the regional transmission lines that run through the Commercial District. Other plans included reworking the Staples-anchored shopping center and increasing the amount of affordable housing in the town. The town is currently at 7.1% affordable housing, with the Oxford School rework and Rodgers School Re-Use both positioned to raise that percentage significantly.

Mr. Lopez brought up his concerns about raising the percentage to 10% as soon as possible to reduce the likelihood of 40B projects coming in, which allow developers to override local zoning bylaws in order to increase the number of affordable homes in municipalities. Mr. Foley noted that if we adopt a 40R Overlay District, the town would have more control and can deny 40B's.

Any other business reasonably anticipated 48 hours prior to the posting of this meeting:

No other business was brought forward at this meeting.

Next Meeting:

The next meeting is tentatively scheduled for June 16, 2022.

Ms. Melanson made a motion to adjourn at 8:45 PM and was seconded by Ms. Fidalgo. Motion passed unanimously.

Respectfully submitted,
Stephanie A. Fidalgo
Recording Secretary,
Economic Development Committee