



FAIRHAVEN PLANNING BOARD

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PLANNING BOARD MINUTES
Fairhaven Town Hall - Banquet Room
TUESDAY June 28, 2022

FAIRHAVEN TOWN CLERK
RCUD 2022 AUG 2 PM2:59

1. **GENERAL BUSINESS:**

- a) **Chair's Welcome and Media Notification:** Mr. Hayward opened the meeting and read the revised Open Meeting Law information for meetings per Governor Baker's regulations due to COVID.
- b) **Quorum/Attendance:** Clerk, Ms. Fidalgo stated there was a quorum with Mr. Braga arriving at 6:33 pm.

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

Mr. Foley, Director of Planning was also in attendance.

Absent: None.

Minutes: June 14, 2022, draft to be reviewed: Mr. Lucas made a Motion to approve the June 14, 2022, minutes and was seconded by Rene Fleurent, Jr. The Motion passed unanimously.

c) **Planning Board Bills:**

\$152.71 Staples – Supplies, Paper, Pens, and Ink: Rene Fleurent made a Motion to pay the Staples bill and was seconded by Mr. Grant. The Motion passed unanimously.

\$150 FNN – Advertisement for Chipotle in the Fairhaven Neighborhood News (FNN): Mr. Fleurent made a Motion to pay FNN the \$150 and was seconded by Kevin Grant. The Motion passed unanimously.

- d) **Correspondence:** Mr. Foley stated the only correspondence was the joint Motion to remand the Hiller & Timothy subdivision court case from last week.

2. **PUBLIC HEARINGS:**

a) **Public Hearings:**

- i. **SP 2022-06 – Chipotle Restaurant:** Continued Public Hearing review for a proposal to construct a new approximately 2,325 sf Chipotle Restaurant Building with a Pickup Window on a pad site at 14 Plaza Way

Mr. Hayward re-opened the public hearing for SP 2022-06-Chipotle Restaurant. He advised they needed six positive votes for a Special Permit.

Ms. Fidalgo read the public hearing notice for the record.

Via Zoom, Joey Fonseca from Bohler was in attendance as well Mike Barago, Architect. Mr. Cavounis, the applicant was also in attendance.

Mr. Hayward noted they have already had a staff report and discussions at the last meeting regarding this project and will turn it over to the Planning Director for an update.

Mr. Foley reviewed the project and stated new plans were submitted digitally on Friday, June 24, 2022 and hard copies were delivered today. All members are eligible as Ms. Melanson filed a Mullins. The key changes were the parking spots that had been on the neighboring property were pushed back onto this property and they are showing some striping on the ground to clarify the entrance to the pickup land and the landscape has been revised a bit. He noted that the exit from McDonald's is only 24' to the west of the pickup lane but also does not enter Plaza Way at the same level with the stop line exit for McDonalds being about 27' north of the proposed Chipotle pickup land entry.

He said the proposal still needs a waiver in the front but thought the applicant could abide by the 20' setback along Route 6 by removing the eastbound traffic in front of the proposed building and making parking in front one-way diagonal parking.

He noted that with this proposal there would now be 3 egresses within 120' along Plaza Way. The new one-way entry to the Chipotle pick-up only lane will be located only 25' west of the McDonald's exit. Mr. Foley stated the landscape plan has been revised but he has not had an opportunity to review as it. He explained where the Chipotle Pylon sign is located on the plan but noted that the sign is not shown in the elevations.

Mr. Fonseca shared his screen and reviewed the changes on the plans. They proposed the plantings to be a little higher and increased the number of plants and now have about 50-60 shrubs in front. They've moved a red maple from the overhead wires right of way to the front area. He reviewed the lighting plan. They moved the walkway a bit over. They also will repaint the striped island between the McDonald's lease line and loading zone to encourage vehicles to further drive into Plaza Way when taking a left or right.

Mr. Hayward asked about the existing Maple trees currently on the Rt. 6 frontage and asked why they are replacing them.

Mr. Fonseca thought there was only one existing maple on this property but a closer look showed there are 3 maples in the front with one being on the next property. Mr. Fonseca the proposed shrubs will be a little bigger than the original plan at about 24"-36".

Mr. Grant asked about turning the two-way traffic in front to one-way to pull the spaces closer to the front door of the building and abide by the 20' buffer requirement along Route 6. Mr.

Fonseca said they did discuss it and said the spaces for the pick-up window are really an asset for Chipotle. Mr. Grant said he didn't think that they had to lose parking space or maybe only one. Mr. Lucas said he thought they will need more than three (3) pull through spaces anyway which could be accommodated by the one-way with diagonal spaces in front.

Mr. Lucas also asked if they had figured out the snow removal plan. Mr. Zachariadis, owner of the plaza was on the zoom call and said the plan is for snow to go to the green space behind the building.

Ms. Fidalgo asked about the west corner between their pad and McDonald's and asked if the striping could be wider as she is concerned about people colliding in that area. Mr. Fonseca reviewed the area of where the landscape areas will be.

Mr. Hayward noted that if they knew that this proposal and configuration was coming forward a month or two ago when McDonald's was here they would have had them do a different configuration that would have been planned together. He said that the plaza owner should've notified Planning when they knew both McDonald's and Chipotle were planning changes so close to one another.

Plaza owner, Mr. Zachariadis asked their engineer if they could build an island to better direct the traffic flow going in to the pickup land and coming out of McDonald's. He said they could mirror the landscape that is proposed. He said they could add that right now without an impact to the McDonald's special permit.

Ms. Melanson said an island would help in this situation. Mr. Braga asked if there was a physical barrier that could really prevent the traffic from entering that conflict area rather than just striping on the ground. Mr. Fonseca showed that they could actually plant the area instead of striping as Mr. Zachariadis suggested because the pad site lines are not the same distance from Plaza Way but showed that there is still an area that is not within their control. They will have a discussion with McDonalds about the area.

Mr. Lucas asked if they knew what the percentage of pick-up business may be with the pick-up lane. Mr. Barago stated he wasn't sure of the pickup percentage numbers. He said he can get that information. Mr. Lucas said he doesn't like the traffic flow on this pad site for this project. He doesn't like the narrowness of the plantings and he'd rather give up some parking spaces.

Ms. Simmons asked about the striping of the lines and asked if the shrubbery can be brought down, so it looks like a wall. Mr. Zachariadis stated they are going to talk to McDonald's about that.

Ms. Simmons asked if it was possible to do a one-way in and one way out.

Ms. Melanson said her only concern was the side between them and McDonalds on the site.

Ms. Melanson made a Motion to continue to July 12, 2022, and was seconded by Mr. Grant. The Motion passed 6-1, with Mr. Fleurent in opposition.

b) Other:

- i. **ANR 2022-03 732 Sconticut Neck Road:** ANR endorsement review of proposed ANR at 732 Sconticut Neck Road by Buzzards Bay Coalition

Mr. Hayward explained what an ANR is. It stands for approval not required under the Subdivision Rules and Regulations. In order to qualify as an ANR the proposed lots have to have the required frontage on an adequate way.

Mr. Foley reviewed the previous ANR for this property and the proposed change with a little history. This land was protected agricultural land under Chapter 61A, which is not a permanent restriction but in order to remove the land from Chapter 61A the Town gets the right of first refusal if they want to buy it. The Town assigned the right of first refusal to the Buzzards Bay Coalition. The BBC will retain ownership of the bigger Lot which will have public access to the ocean. The other lot will be purchased by the owner of the middle lot who will put a conservation restriction on it. Mr. Foley advised both properties have the required frontage on an adequate way and meet the minimum lot size and the Planning Board should endorse it.

Alan Decker of the BBC was present to speak on the project. He said they were the owners of this project. He said they are selling lot 1B and still working out the details of the conservation restriction.

Mr. Hayward asked what the intent of the property was going to be. Mr. Decker said that they will have it as a public access path, he said it's an open field currently and to use it as public access to the ocean.

Mr. Fleurent asked about the path design if it would be for pedestrians only. Mr. Decker had no answer as of yet as it has not been designed.

Mr. Braga asked how much of the beach front is going to be for the public. Mr. Decker said he does not know as of yet.

Mr. Hayward asked if there will be a parking spot for the public. Mr. Decker said they will probably come up with a design for a parking spot, but they haven't gotten that far as of yet. Mr. Foley noted that the Shipyard Farm Conservation Area is directly across the street.

Ms. Melanson asked why they were talking about the beach and parking lot. She wanted to know exactly what they were approving tonight, and they should just approve that.

Mr. Hayward said he thinks they are doing a little forward-thinking of the project; especially where the vision is not clear. He said it may not be what is here tonight, but it is good to talk about.

Ms. Melanson would like to make a Motion to endorse the ANR 2022-03 of 732 Sconticut Neck Road by Buzzards Bay Coalition and was seconded by Kevin Grant. The Motion passed unanimously.

ii. Chapter 91 Review of Dock: Proposed dock at 184 Balsam Street

Mr. Foley said sometimes these Chapter 91 sign-off plans come before the Planning Board to sign. He noted that he is not the "Planning Board" and likes to bring it to their attention versus just signing off on them. He also thinks the Planning Board can request that these projects have a public hearing when they send their comments to the State.

The proposal is a fixed dock and gangway that goes to floats. He said the proposal is a 10' long stairway to a 45' long fixed dock secured with six pilings with an aluminum deck leading to a gangway and floats with a total length 103'. The bylaws limit total length to 75' but the proposal has received a variance and has been reviewed by the Conservation Commission.

Mr. Hayward stated it's already been approved by the Zoning Board of Appeals. He said the only reason it is here is to alert the members. He did have concerns of more docks going up on West Island and noted that the boat lift that is shown on the plans was actually removed by the ZBA. We should put a review of the docks and piers bylaw on our agenda going forward as there seem to be a lot of docks going in which may affect the look and access to the water.

Ms. Melanson asked what the Planning Board is doing if this is already approved. Mr. Hayward said as he explained they are discussing it under Chapter 91.

Mr. Fleurent said that there is an old bylaw that requires dock owners to make sure they are not blocking pedestrian access to the water.

Mr. Hayward said it is 4' width and very high so people can walk under it.

Robert Sullivan was on the call regarding the dock and Chapter 91. Mr. Foley said he would sign the Chapter 91 page seven and add the Planning Board comments.

Ms. Melanson made a Motion to take a ten minute recess and was seconded by Mr. Grant. The Motion passed unanimously.

iii. ANR 2022-02 – Alfred Street:

Mr. Foley noted that we have received the ANR for the portion of Alfred Street that was recently discontinued which will be reviewed at the next Planning Board meeting

3. CURRENT PLANNING:

a) 40R Bylaw Consultant Team:

Mr. Peter Flinker from Dodson & Flinker Landscape Architects and Planners was on the call via zoom. Mr. Flinker has a lot of experience helping Towns do what Fairhaven is trying to do. He said they work with the Town to develop a vision through a public process and then discuss how they are going to make that happen. He said 40R is always a possibility. He reviewed what they are doing in Amesbury currently and explained how they brought the vision to the Public to understand the plan and the ideas.

Mr. Flinker reviewed a proposed working group of 20-25 community stakeholders including town staff, boards, and community representatives, residents, business owners etc. They recommend the working group commit to at least four public meetings plus a workshop.

Mr. Hayward asked if he had a copy of Fairhaven's Master Plan and noted they have been working a lot in establishing Mixed-Use areas. He suggested Mr. Flinker review the master plan as it is recent. Discussion occurred between members and Mr. Foley on the vision. Mr. Flinker said what's great about a 40R is the Town describes what it is looking for and the developers can see what can be done. The developers are looking for sites to develop and this way they are aware of what needs to be done. Mr. Foley likened the as of right development to the Town developing the conditions before the project rather than reacting to a proposal and developing conditions to try to make it better.

Mr. Hayward said that one of the first things that came out of the Master Plan is that residents wanted to keep the small town feel of Fairhaven; and they may be up against some residents if they try to make this too big.

Mr. Grant asked how common is it that the developer has to agree to the sidewalks, etc.

Mr. Lucas said his concern is along Route 6 where there are a lot of small lots. He said they have a problem with a change of use now, with no setbacks and large curb cuts. He asked how you transform a small lot into one of these projects.

Mr. Flinker said there's definitely a lot of analysis that needs to be done first. In the case of smaller lots Developers would likely look at consolidating lots if the zoning were in place.

Mr. Foley said that he was meeting with Mr. Flinker tomorrow and they were going to put a plan together to include staff, board members, residents etc. Mr. Hayward asked about a timeline. Mr. Foley said the key timeline is to be on the warrant for next March. He said he has a great team in place to move forward, and have the consultants give updates to the Planning Board regularly.

Mr. Hayward said he'd like to see a timeline so they can see where they are and where they should be in the next few months. Mr. Flinker said he'd really like to get the working group going, maybe one or two times during the summer. Mr. Foley said they hoped to map out a schedule to get us to our goal in the next month.

b) Town Planner Update: Rt. 6/240 Redevelopment Plan; Benoit Square; Upcoming Schedule

Mr. Foley said that SRPEDD did their traffic counts for Benoit Square.

Mr. Hayward said there is a proposed Fall Town Meeting coming up and they should start talking about reviewing.

Mr. Grant asked when the Hiller and Timothy project that they voted to remand was going to come back to us. Mr. Foley thought it had to go to the courts first and then remanded back to the Planning Board. He thought it was at least a month or two into the future for sure.

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, July 12, 2022, Chipotle Restaurant and a proposed new Marijuana Dispensary will have a Public Hearing.

Tuesday, July 26, 2022, 154 Huttleston Ave Special Permit Public Hearing is Tentative.

Tuesday, August 9, 2022 & on the horizon could be the Nye Lubricant re-application.

Cathy Melanson made a Motion to adjourn and was seconded by David Braga. The Motion passed unanimously via roll call vote. The Meeting ended at 9:15p.m.

Meeting was adjourned.

Respectively,

Patricia A. Pacella