



FAIRHAVEN PLANNING BOARD

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PLANNING BOARD MINUTES

TUESDAY August 9, 2022

FAIRHAVEN TOWN CLERK
RCUD 2022 AUG 24 PM4:13

1. GENERAL BUSINESS:

- a) Chair's Welcome and Media Notification: Mr. Hayward opened the meeting at 6:30p.m.
- b) Quorum/Attendance: Chair Wayne Hayward; Vice Chair Cathy Melanson; Clerk Jessica Fidalgo; Kevin Grant; Jeffrey Lucas; David Braga; Sharon Simmons and Rene Fleurent Jr.
- c) Minutes: July 26, 2022, draft to be reviewed: Ms. Melanson made a motion to accept the minutes as is. The Motion was seconded by Rene Fleurent and passed unanimously.
- d) Planning Board Bills: None.
- e) Correspondence: Mr. Hayward stated they do have a few letters in support of a Public Hearing and would wait until that public hearing to read them in for the record.

2. PUBLIC HEARINGS:

a) Public Hearings:

- i. **SP 2022-03 – Elevation Retail Marijuana:** Continued Public Hearing review for a proposal to locate a new retail marijuana dispensary in Unit 1 at 240 Bridge Street.

Mr. Hayward called the Hearing into order for the continued Public Hearing. He noted this is a continued hearing from four weeks ago.

Mr. Foley reviewed the revised plans that show a loading area and a dumpster moved. The revised plans show a secure fenced area to the rear of the dispensary and four employee parking spaces in the back. However, though no parking spaces are officially in back there are anywhere from 5 to 7 cars parked back there during the day.

Mr. Foley said the applicant wanted to clarify the expected customer visits as there was some confusion. He said they expect to have about twenty per hour. The Police reported they are concerned with the left turn out of the unit it is not "ticket-able" offence. Mr. Foley reviewed pictures he had taken of the location illustrating the traffic, parking and left turn issue.

The applicants presented letters of support and reviewed the revised plans. The engineer, Mr. Clark, said they tried to address the concerns as best they could. He reviewed the peak hours with the expected customers. They said an average of 20 customers per hour is what they expect. He said this was a good project for the Town of Fairhaven.

The Planning Board Clerk, Jessica Fidalgo, read the letters in for the record. She stated there were a few letters that stated the same thing with different signatures.

Mr. Hayward opened it up for public comment. There was none.

Mr. Hayward then opened it up for the board to discuss.

Mr. Braga asked if the sign was going to be there that there is no left turn onto Bridge. The Applicant said there would be a sign indicating no left turn out on Bridge Street at all times.

Ms. Melanson asked if there could be a left turn and or right turn only in that area like other businesses in that area. She said she would like to see a physical barrier so no left turn could happen.

The applicant stated he brought it to the landlord's attention, but he doesn't want to do that at this time. He said the traffic study showed there has been no accident in the last five years leaving or entering that property.

Mr. Hayward shared his concerns of the traffic report.

Ms. Simmons stated she went to the site at multiple times on different days and there were always six to seven cars parked in the back. She expressed her concern that the site does not have enough parking spaces for the existing and the proposed at the site. She said there was never less than thirteen cars she saw in the site and up to nineteen with this unit being empty.

The applicant stated that the people going into their business wouldn't be in there for an hour. Mr. Arzumanyan said he has spoken to businesses in the area who have agreed to offer spots if needed for parking. He said he believes there will be a little more structure in the back than there is right now for parking.

Mr. Hayward said that the parking requirement doesn't really apply to something like this where this is a high use business.

Mr. Lucas asked about the delivery trucks being able to deliver in the back and meeting the turns to park back there. He said it seems a bit awkward. Mr. Lucas stated the bushes on the property are very large and a possible obstruction.

Mr. Hayward wanted to address the traffic study. He said this location is designated for this use, but it is a difficult spot for traffic. He reviewed the traffic study report from March 2022. He said he looked at the weather for those days and didn't think those days were the best to use as it was a high windy, rainy day; and not the average summer community as Fairhaven is known. He reiterated that the intersection has a crash rate that is higher than state-wide and the district.

The applicant stated they can't design the location to help the intersection.

Mr. Hayward continued with his concerns regarding the traffic. Mr. Hayward stated there have been discussions of this area with SRPEDD. He said a recycling center, a possible fire/police station and a possible 40R will make this an even busier intersection in the future with a lot more activity. He said this intersection has been reconfigured many times and that there is a lot more coming to this area in the future. He disagreed with a description written in the traffic study. He said they are looking at approximately 170 trips in that area, 260 trips on Saturdays (divided by two hours). He said he is having a real problem with the traffic in that area; even now and it will only be exacerbated.

Mr. Arzumanyan said he felt that the Planning Board needs to step back from the traffic issues and look at the use that is allowed in that area. He said he believes if its not them it'll be someone with a higher traffic count for that area. He says they are a very energetic, enthusiastic organization.

Mr. Hayward asked how they would put a police officer in this area to try and control traffic. He said entering and exiting the site is problematic. He doesn't have a problem with the use or the site, but the traffic is problematic.

Mr. Arzumanyan offered two separate options. He said they need to make their decision around what's happening there today, not the extending traffic issues in the future. Mr. Arzumanyan stated he thinks anyone else, like a Starbucks, can go into that site by right. Mr. Hayward said if they have a drive-through or change the pattern they would need to go through the Planning Board for a Special Permit.

Ms. Melanson stated the site traffic in that area is an issue. She asked if they could speak to the landlord again about a physical barrier for in only, and the applicant said the landlord was very reluctant for a barrier.

Mr. Hayward asked how they mitigate this situation. Perhaps having them come back every two years, to see if this business traffic is a nuisance. He said he doesn't see how they could mitigate the situation and traffic at this site.

Mr. Braga asked if they would be open to a removable divider (like Sconticut Neck Road has) on the site itself. Ms. Melanson explained that it is removable and they should discuss with the landlord in putting it in. She said it would help make the traffic go in the right direction at the site.

Mr. Grant asked if there was a discussion with the other tenants to have their clients and/or employees park at another site. It might free up some spaces for them. He added that +no one is blaming the applicant for this problem; however, the site is problematic to traffic and that's a major concern.

Mr. Lucas said he is not willing to agree to a gentleman's handshake about parking spaces with the other tenants. He says he feels reluctant to agree with any parking issues with an off-site parking lot unless it is in writing.

Mr. Hayward said that the applicant's traffic study expert stated there was a possibility of eight vehicles per hour that may try and take the left turn out of the site, and he feels that is what they would need to try and mitigate.

Mr. Foley said they came up with a four-phase condition plan when the other marijuana outfit came to town. He said they may be able to work something out with this applicant regarding traffic, deflectors, etc.

Mr. Foley stated the next date would be September 13, 2022.

Ms. Melanson made a motion to continue, SP 2202-03, Elevation Marijuana to September 13, 2022 and was seconded by Mr. Grant. The Motion passed seven members in favor and one opposed. Mr. Fleurent voted in opposition.

ii. **SP 2022-07 – 154 Huttleston Conversion:** Public Hearing review to renovate the existing building and convert it to an office with a new gravel parking area in the rear of the building located at 154 Huttleston Avenue (Map 26 Lot 96)

Mr. Hayward opened the Public Hearing for SP 2022-07-154 Huttleston Conversion.

Ms. Fidalgo read the advertisement in for the record.

Christian Farland and Aaron Taylor were present for Farland Corporation.

Mr. Farland explained the conversion project at 154 Huttleston. Farland Corporation was presently in Dartmouth and looking to relocate the office in Fairhaven at this location. Plans indicate thirty-nine parking spaces planned. They will be painting the building white. They are going to change the building and landscape with improvements.

Mr. Foley reviewed the project, explaining this is the "Got to Have it" building. They were here for a street discontinuance and then an ANR. With the new land in back there is an elevation change that will have a 3' to 4' retaining wall with a 6' tall stockade fence on top of that as presented in the plans. They are not increasing the impervious surface and most will remain gravel. An area in front that is impervious will become grass and they are going to replace the arborvitae with shrubs and flowers. He suggests they consider removing a couple of spaces in front and adding a buffer that will look better and lessen the possibility of backups onto Route 6. They already need a waiver on the number of parking spaces so if they do not need the spots they should consider this.

Mr. Farland said they have about forty employees and this would be a bigger space.

Mr. Hayward asked about the right of way in the rear. Mr. Foley said it was a lot of Japanese knotweed and that Mr. Farland would be removing that for more parking.

Mr. Lucas asked whether the apron could be paved more to make sure that gravel does not spill onto Route 6. Mr. Farland said they could increase the asphalt apron in front and Mr. Hayward asked them to add it to the plans. They reviewed the sidewalk with curb cuts in front.

Mr. Hayward opened it up for the board to comment.

Mr. Braga asked if there would be a dumpster on site, per page 4-5 shows a dumpster pad site. Mr. Farland stated they don't have a dumpster on site. He explained it was an existing pad on site.

Mr. Hayward asked if they were doing any warehousing on site. Mr. Farland stated there is a warehouse in back that would be for file cabinet storage. Mr. Hayward said they do not consider that warehousing.

Mr. Lucas asked about the setback from residential, which should be a 10'. He said that it looks like they are right against the residential with parking. Mr. Farland said the entire paper road was zoned commercial.

Ms. Melanson agreed with Mr. Foley to get rid of the two parking spaces in front to make it more open space. She said it would look softer for Route 6.

Mr. Grant said he liked that they were proposing landscaping across the front of the property. He thought the landscaping should be on both sides on the front whereas it sounded like they were talking about only on one side.

Mr. Hayward opened it up for public comment, there was none.

Mr. Hayward said he feels it's a good start and they have a sense of direction, however, there is nothing in writing. Mr. Hayward recommended to the board to continue, giving them time to iron out the plans specifically to what they say they are going to do. He said this was the first public hearing and not odd to continue to a second hearing. He said he would like to see a little more detail.

Mr. Grant asked if it would be mostly employee parking. Mr. Farland said for the most part yes.

Ms. Melanson made a motion to continue to August 23, 2022, and was seconded by Mr. Braga. On the question, Mr. Lucas asked for the sign to be detailed out on the next plan (if they intend to change the sign on the premises). The motion passed unanimously.

iii. **SP2022-08-148 Main Street Dock and:** Public Hearing review to construct an approximately 141-foot-long pier, ramp and float system at 148 Main Street.

Mr. Hayward opened the public hearing and Ms. Fidalgo read the advertisement in for the record.

Mr. Foley noted there was a dock approved recently just to the north of this property. He explained the project and elevations at 148 Main Street. Apparently there was a dock in the past at this property. The proposal is to use the same location. The application says the timber piles might be pressure treated but the Conservation Commission Order of Conditions specifically says that is not allowed. This is in a RC District (Apartments/Multifamily) which is why the Planning Board is the SPGA. He said that Conservation has issued an Order of Conditions. He said the only issue he sees, other than the proliferation of docks, is the proposed lateral passage is not optimal.

Mr. Hayward asked what the setback was from the property line and Mr. Davignon said it was 26'. Mr. Davignon said they went before the Conservation Commission. Historically there was a pier already in this location. The total length is 133' into the water from the high mean water for the pier itself. He said they meet the zoning requirements.

Mr. Hayward opened it up to the board members.

Mr. Fleurent asked about the adequate openings for pedestrian to walk the shoreline. Mr. Davignon explained that there is 5' minimum required from the existing grade to the lowest plank and they do have that.

Mr. Hayward asked if the public access was between the low water mark to the high-water mark. He said he was confused on what the requirement was. Mr. Davignon explained that someone has the right to walk the shoreline between low and high-water mark.

Mr. Foley reviewed the last set of conditions they just completed for a pier they had just approved and stated most would be the same for this one.

Ms. Melanson made a motion to approve SP 2022-08, 148 Main Street with the six conditions as presented. The motion was seconded by Rene Fleurent. The motion passed unanimously.

b) Other:

i. **ANR 2022-04-Costa New Boston Road:** Form A (Approval Not Required) Review of ANR Plan adjusting existing lot lines to bring access drive on the property (RR).

Mr. Foley stated this was changing an existing lot line, not adding a lot line. He said both lots would have the required frontage on an adequate way. Both properties have more than 30,000 square feet. The reason for the ANR is to move the lot line so the access road/driveway is on the same property as the house.

Mr. Hayward made a motion to endorse the ANR 2022-04 New Boston Road/Costa and was seconded by Ms. Melanson. The motion passed unanimously.

ii. **ANR 2022-05 – 132 Weeden Road:** Form A (Approval Not Required) Review of ANR Plan to create two lots out of one approximately 3-acre lot in the RR District.

Mr. Foley explained this was to create a new lot. He said it’s an approximately 3-acre property. They are looking to carve off a piece of the property to create a new lot on the southeast corner. There is a stone wall that they will have to breach to access the property. He said they will have the frontage and lot size as required by the zoning.

Mr. Hayward wondered about an easement on the property for lot one.

Mr. Taylor explained from Zoom that lot 1 would need an easement to tie in for the sewer.

Ms. Melanson made a motion to endorse the ANR 2022-05-132 Weeden Road and was seconded by Mr. Braga. The motion passed unanimously.

3. CURRENT PLANNING:

a) Town Planner Update: 40 R Working Group, Benoit Square, Upcoming Schedule

Mr. Foley asked for volunteers for his 40R Working Group. They plan to have 4-6 meetings over the next six months. Ms. Melanson stated she would volunteer as well as Ms. Fidalgo and Ms. Simmons. He said they are looking for people who can attend all meetings. He said he has ten people that are committed at this time that he received from the public as well as different departments.

Mr. Foley stated he met with members of the NFIA, Ms. Parker and Mr. Medeiros. He said Rep. Strauss also met with them for the North Fairhaven Benoit Square area. He said that Benoit Square is an old dangerous merge that is going to have a lot more pedestrian traffic with the new units coming on line at the Oxford Residences. Parking along Main Street is also an issue. He said there are a few different scenarios for the area that they would send to the state for review. Mr. Hayward asked about the traffic counts in that area. Mr. Foley noted they did do some traffic counts.

The Board discussed parking in that area. Galaxy Pizza stated they would like to see 15-minute parking in front of their business.

Mr. Lucas stated there is a 3-family house in that area that just got renovated. There was only one person living there and now it’ll house 3 families, so that will add to the parking in that area.

Mr. Hayward stated they have to update their zoning maps.

4. LONG RANGE PLANNING:

a) Town Planner Update

5. OTHER BUSINESS: Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.

Ms. Melanson made a motion to adjourn and was seconded by David Braga. The Motion passed unanimously.

Respectfully submitted,

Patricia A Pacella
Recording Secretary