



FAIRHAVEN PLANNING BOARD

Town Hall • 40 Center Street • Fairhaven, MA 02719
Telephone (508) 979-4023

Planning Board Minutes
Tuesday, September 27, 2022

FAIRHAVEN TOWN CLERK
ROUD 2023 JAN 30 PM1:03

1. General Business

- a) Chair's Welcome and Media Notification: Mr. Hayward opened the meeting at 6:32 pm. He read Governor Baker's post-COVID information for Zoom Meetings until March 2023. He advised the meeting was being recorded by Fairhaven TV.
- b) Quorum/Attendance: Present: Chair Wayne Hayward, Jessica Fidalgo, Rene Fleurent, Kevin Grant, Jeff Lucas, Sharon Simmons, and David Braga.

Absent: Cathy Melanson

- c) Minutes: September 13, 2022, draft to be reviewed – Rene Fleurent made a Motion to approve the September 13, 2022, minutes and was seconded by Kevin Grant. The Motion passed unanimously via roll call vote. (7-0-1)
- d) Planning Board Bills: Staples - \$67.91 Office Supplies. Mr. Lucas made a motion to pay Staples \$67.91 and was seconded by Rene Fleurent. The motion passed unanimously.
- e) Correspondence: None.

2. PUBLIC HEARINGS:

- a) Public Hearings: None

3. LONG-RANGE PLANNING:

a) **Ad-Hoc Tree Panel Bylaw revisions review**

Mr. Foley reviewed the panel and their suggestions. The Town Administrator talked with the Tree Warden in August and they decided an Ad-Hoc panel advisory to the Town Administrator should review the Planning Board Public Shade Tree Bylaw. The panel was put together by the Tree Warden. It included Ms. Morton-Smith from BPW, Ms. Fidalgo from Planning, Ms. Richard from Sustainability, Ms. Isherwood from Conservation and Mr. Foley. Mr. Foley said despite the dubious origins of the panel there were some good people on it and the panelists came up with some reasonable suggestions. Unfortunately, the Tree Warden wanted to prevent any meaningful discussion, and when the panel got on with the business at hand, he announced in early September that the panel was out of time. He then proceeded to submit to the Town Administrator his own version which was different than what the panel had agreed to. The intention of tonight's meeting had been to see if the Planning Board was okay with the suggestions of the people on the panel that actually did their best to make a contribution. The panel was invited tonight but have not attended for some reason.

Mr. Foley then reviewed the suggestions made by Ms. Morton-Smith, Ms. Fidalgo, Ms. Richard and Ms. Isherwood. They suggested adding a few things to the definitions including trimming. They revised the section on record-keeping but Mr. Foley thought it could be fixed by switching out "basic" record keeping instead of "detailed" record keeping.

Mr. Fleurent asked why they wouldn't want it "detailed". Mr. Foley said the Tree Warden has been complaining about how much the bylaw will supposedly cost. Mr. Foley agreed with Mr. Fleurent that record keeping is standard operating procedure and helps with accountability and potentially liability.

Ms. Fidalgo, who was on the committee, said that Mr. Collasius took offense to the word 'detail'. She said the committee tried to come to a consensus on the information.

Mr. Foley also reviewed the training and that if the Tree Warden needed to have a Deputy the training would be preferred they were qualified or at least in the process of getting training, as recommended by MA Tree Wardens and Foresters Association.

Mr. Fleurent asked how they would know the tree warden obtained the training. Mr. Foley said it would fall to the Town Administrator.

Mr. Foley said they revised the language requiring streetscape improvements from being approved by the Planning Board and just make sure the opinion of the Planning Board is sought to align with Chapter 65. They took out a few words and added, "Unless the plan has been submitted to the Planning Board for its opinion".

Mr. Foley said the committee did not think the Planning Board should be able to vote on the Annual Hazard Tree Plan thought the hearing could be at the Planning Board but the decision would still be up to the tree warden.

Ms. Fidalgo stated she agreed with Mr. Foley's overview. She said they went over each process and wouldn't move on until they came to a consensus.

Mr. Lucas asked if that was the end of the ad-hoc committee. Ms. Fidalgo stated she thought the committee was dissolved by the Tree Warden.

Mr. Foley said the panel agreed to most potential changes online and then the Tree Warden made his own changes and that is what was submitted to the Town Administrator for review.

b) Town Planner Update: 40R; Bridge Street; MVP; HMP; MHP

Mr. Foley said the purpose of a 40R Overlay is to facilitate new commercial and residential development in previously developed areas while preserving the historic and rural character of the rest of the Town. It is intended to guide sustainable economic development and build new capacity for growth in appropriate areas through new zoning such as 40R Mixed-Use Overlay zoning with residential above commercial and potentially utilizing other planning tools such as Transient Oriented Development (TOD), Transfer of Development Rights (TDR) and Form Based Codes.

Mr. Grant said that the possibility of repurposing that area is what makes the 40R so appealing to him. He said Route 6 and the plazas are currently very visually unappealing. This is our chance to fix what went wrong.

Mr. Brady asked if having a 40R in place precludes anyone from building a 40B anywhere else in Town. Mr. Foley stated if we have a 40R in place, we are in a better position to deny a 40B plus it will help the Town get to the 10% affordable housing units.

Mr. Hayward stated Oxford Residence is more like a friendly 40B.

Mr. Hayward said he could not say at one hundred percent that it would preclude anyone from building another 40B per Mr. Brady's question. Mr. Foley said he believes the Town could deny a 40B if they have an accepted 40R but he will ask the 40R legal consultant to clarify an answer.

Resident, Ms. Isherwood gave her opinion on the design for the units, keeping it small for the feel of a small hometown feeling; she thinks it may be accepted at Town Meeting.

Mr. Foley stated that the first 40R meeting took place on September 21st. He said they had approximately 35 people to introduce the project and study area. He explained the next meeting would be on October 5, 2022, and then in November.

Mr. Foley stated the meeting was conducted upstairs in the hall. He reviewed the timeline with the board members. He said the October 5th meeting would be to continue to share and fact-finding; explore vision and values and it would be to begin the public forum preparation.

On November 4 and 5, 2022 there would be a public workshop to refine the understanding of the study area and begin to develop a vision. Another meeting is on November 16th to evaluate alternatives and ideas. There would also be a meeting in December and then January and beyond.

Mr. Foley reviewed the goals of the 40R Working Group Process. He reviewed the Plaza area, Rt. 6/240.

Ms. Simmons discussed Mashpee Commons and the way it is set up is very inviting and she said that Fairhaven is very old and antiquated. She said that if you build it nice, then you bring the people who want to come and shop here.

The board members discussed traffic, and whether would there be more. Mr. Grant gave the example of Warren, RI has a bountiful number of restaurants, whereas other people from other areas come to go to their restaurants.

Mr. Foley suggested more artistic shops and boutiques would fit in the more numerous but smaller retail spaces. Ms. Simmons said we could make it more beautiful than it is now. A discussion followed about affordable housing in Fairhaven.

Mr. Braga asked if members of the Select Board are participating in the discussions.

Mr. Foley stated that Ms. Powers and Mr. Correy were participating in the Working Group.

Mr. Foley says he and the consultants want as much input as possible and all are invited. He said that young people are encouraged to attend.

Ms. Simmons asked what the process is if we have a smaller area to begin with and then wanted to add more properties to the 40R, would the whole process need to be redone again.

Mr. Hayward said he thought perhaps the processes would already be in place. He said the people who are in the workshop groups may not be the same people at the Town Meeting that are not sure and may vote it down.

Mr. Foley said he sees the 40R as the Town creating the conditions in place. If a developer can do a project in the 40R the way the Town wants it to be then it is easier for permitting. We create the conditions before we get an application.

Mr. Hayward stated what came out of the 2018 Master Plan was to have their Town small and their government small. Mr. Foley said he understands that the Town wants to remain a Town and that needs to be considered in the writing of the bylaw. He feels the 40R is the best tool available to achieve many of the objectives and goals of the Master Plan.

c) Upcoming Schedule: Mirasol Café SP; Starboard Drive Definitive Subdivision, Hiller & Timothy Revised Subdivision Plan per joint Motion to Remand

Mr. Foley said they met at Benoit Square today with MassDOT District 5, SRPEDD, Fairhaven Police and Fire, and members of the NFIA. He said that MassDOT reviewed the site and will make short and long-term suggestions over the winter. SPREDD presented TMC with the crash data in the area.

Mr. Foley said that a Special Permit review of Mirasol Café is coming up in the next month or so. He said that Starboard Drive's definitive subdivision is coming up as well. The Hiller & Timothy Subdivision will be in front of the board with a slightly revised subdivision plan per the joint motion to remand in late November.

Mr. Foley said they are still working on the scope for Bridge Street. The MVP kick-off meeting will be Thursday and public meetings starting in January or February. Mr. Foley spoke to members of the New Bedford Port Authority and they are going to work on writing a grant together to hire consultants to help update the Municipal Harbor Plan.

4. OTHER BUSINESS: None.

5. Next Meeting: Tuesday, October 11, 2022.

Mr. Braga made a motion to adjourn and was seconded by Mr. Fleurent. The motion passed unanimously at 8:07 p.m.

Respectfully,
Patricia A. Pacella
Recording Secretary