



FAIRHAVEN PLANNING BOARD

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FAIRHAVEN TOWN CLERK
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Planning Board Minutes
Tuesday, February 14, 2023

1. GENERAL BUSINESS:

- a) **Chair's Welcome and Media Notification:** Chair Melanson opened the meeting at 6:31 pm and advised who was present. She also read the revised Open Meeting Law Statement per the State of Emergency issued by Governor Baker with instructions that public hearings may be conducted remotely via Zoom until March 2023.
- b) **Quorum/Attendance:** Present: Cathy Melanson, Jessica Fidalgo, David Braga and Sharon Simmons in the banquet room. Wayne Hayward was on Zoom.

Absent: Kevin Grant, Jeffrey Lucas and Rene Fleurent

Town Planner, Mr. Foley was also present.

- c) **Minutes:** January 24, 2023: Ms. Fidalgo made a motion to accept the minutes of January 24 2023, and was seconded by David Braga. The motion passed unanimously. (5-0-0).
- d) **Planning Board Bills:** Staples \$122.74 – Paper and office supplies. Mr. Braga made a motion to pay Staples \$122.74 for supplies and was seconded by Ms. Simmons. The motion passed unanimously. (5-0-0)
- e.) **Correspondence:** None

2. PUBLIC HEARINGS: None.

3. RECEIPT OF PLAN:

- a. **Shirley Street – Street Discontinuance:** Petition from Select Board for Planning Board Review and Comment.

Mr. Foley stated they briefly spoke about this at the last meeting. He gave an overview of property and he has spoken to the owner of A&A auto rentals. He explained that she said the sign is forthcoming as well as plantings in the Spring.

Mr. Foley stated they may return in the future. He said the Select Board is waiting for comments and then a public hearing will probably be scheduled in March.

Ms. Melanson asked if Mr. Foley is going to make any recommendations. Mr. Foley mentioned that the idea came from the Planner and Planning Board during the review of 200 Huttleston. Overall it seems reasonable to make the two properties a contiguous whole but we need to know more information about the drainage and utilities. Presumably the DPW will comment on that.

Mr. Hayward stated there is a public catch basin in the street. He also said the ink is barely dry on the Special Permit and they are already in violation of the conditions. He said the lighting on the property has not been fixed, the building is not repaired as they stated they would do and they are operating. He said they are not in compliance even with the number of cars on the lot. Mr. Hayward shared his concern that if the pavement takes place and Shirley Street is discontinued that they won't ever get in compliance with their Special Permit. He said that the whole street would become a parking lot and the fire department would never be able to get through there.

He said they should not allow the street discontinuance at this time and the applicant should come in with a design plan including that area, which the Planning Board had first requested.

- Mr. Foley stated they haven't received any information from DPW as well. He said he would go out to A&A and explain what hasn't been done on the Special Permit.

b. Chapter 91: 2 Oxford Street

Mr. Foley stated he would review the application. He said it was approved by ZBA in 2022, but he can't locate the approval. He said there was also an order of conditions put on by Conservation Commission. Mr. Foley reviewed the plans for the project. He said the float itself is 700 sq feet, not including the pier. He read the piers and dock requirements. He said the US Army Core of Engineers has strict regulations and he read those as well. He wasn't sure how the pier was even approved per the Fairhaven Docks and Piers bylaw.

c. SP 2019-08 – Charity Stevens Solar: Request for 2-year extension

Mr. Foley reviewed the solar request for a two-year extension at Haskell Farm. He said that Eversource is doing a connection study of the area and that hasn't been completed as of yet.

Mr. Carey was present and reviewed the reason why they were requesting the 2-year extension. He said they cannot interconnect until Eversource finishes their study.

Mr. Braga asked if the land has been cleared for the solar. Mr. Carey said the left side of the land has been cleared; and historically the right side was previously cleared.

Mr. Foley explained the no clear-cut bylaw in Fairhaven. He said that in this situation about an acre was approved for cutting. He thinks we should clarify the definition.

Mr. Carey said they reduced the size of the solar arrays.

Mr. Hayward asked for a copy of the Marion study. He said the Planning Board only has five members this evening, not six. He said that he didn't think that he needed Planning Board permission, it was more so an agreement with the Building Commissioner (but might be a problem now as they only have interims). Mr. Hayward asked about the upgrades to the sub-station and asked if that was a direct fee that residents are paying.

Mr. Carey said he wasn't sure about that. Mr. Carey said that preliminary plans suggest their cost would be a million dollars.

Ms. Melanson asked if they could extend the special permit with only five members.

Ms. Fidalgo made a motion to extend the two-year extension on SP 2019-08, Charity Stevens Solar and was seconded by Mr. Braga. The motion passed unanimously. (5-0-0).

d. Preliminary Subdivision: Two existing lots on an unaccepted stretch of Lincoln Drive and Jason Terrace

Mr. Foley reviewed the preliminary subdivision. He explained the two existing lots as there is no frontage and no road. He said Jason Terrace is not an accepted street. He explained where the drainage is on the street. He said that there appears to be an activity use limitation (AUL) at the property. He said there was a gas/oil concern in the 1980's and the 1990's and conditions apply to the area. He says he is still looking for that paperwork.

Mr. Foley said that according to MassGIS there may be a drainage ditch going through the northerly lot (85N). The plan submitted is showing a retention basin on Town property. For the detention basin he thinks they have to do a street discontinuance first as it is a paper street, but then they would not have the frontage for the house. The property appears to have some issues.

Mr. Hayward explained the two lots have been in front of the Planning Board several times in the past. He said he wasn't sure why they needed a storm water basin if they are not building a road. He said he would caution the board that the hammerhead turnarounds would not be in compliance, and they should be consistent with other decisions.

4. CURRENT PLANNING: Town Planner Updates

Mr. Foley reviewed the main planning projects.

- He gave a short history of the Benoit Square project. He met with the NFIA and Representative Strauss last year and showed some graphics of a few ideas he and Mr. Hayward had discussed especially help with slowing down the traffic and improving the pedestrian safety in that area with several different scenarios. Mr. Strauss liked the ideas and set up a meeting at the NFIA with MassDOT, SRPEDD and local officials. Mass DOT said they thought a few of the scenarios could work and that they would work on it and come back in the spring of 2023. SRPEDD performed a review submitted in December that said that placing a yield sign for north bound traffic on Adams Street elongating Benoit Square could work. Mr. Foley said that it was unclear from the technical memo whether you could still drive south on Adams Street.
- The consultants for the 40R Overlay will be present at the next Planning Board meeting and the 40R Working Group will be invited.
- The next Municipal Vulnerability Preparedness (MVP) public meeting will be in late April or early May.

Mr. Hayward made a motion to adjourn and was seconded by Mr. Braga. The motion passed unanimously.

Respectively submitted,

Patricia Pacella