



TOWN OF FAIRHAVEN, MASSACHUSETTS

PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

MEETING MINUTES

Tuesday, May 23, 2023 at 6:30 PM

Held both at Town Hall & Remotely via Zoom

1. GENERAL BUSINESS:

a) **Chair's Welcome and Media Notification:** Madame Chair, Ms. Melanson, opened the meeting at 6:32 PM and advised who was present. She also read the revised Open Meeting Law Statement, covering the extension of remote meetings and public access by Governor Healy until March 31, 2025. Additionally, she covered the Zoom accessibility options to provide automatically generated captions for this meeting.

b) **Quorum/Attendance: Present:** Cathy Melanson, Sharon Simmons, David Braga, Jeff Lucas, Kevin Grant, and Ruy daSilva in the Town Hall Banquet Room.

Absent: Jessica Fidalgo and Patrick Carr.

c) **Minutes: April 25, 2023:** Mr. Lucas made a motion to accept the minutes of April 25, 2023, and was seconded by Mr. Grant. The motion passed unanimously. (6-0)

d) **Board Elections:**

i. **CPC:** Ms. Melanson called for nominations to appoint the CPC Representative. Mr. Braga nominated the incumbent representative, Mr. Lucas and was seconded by Mr. Grant. No other nominations were made. **The appointment passed unanimously. (6-0)**

e) **Planning Board Bills:** None.

f) **Correspondence:** None.

2. RECEIPT OF PLANS:

a) **Planning Department Update:**

i. **ST Disc – Easterday – Section of Torrington Road behind 270 SNR:** Having received site plans from the applicant, the Planning Board will consider this Street Discontinuance at the next meeting.

Mr. Lucas did inquire if this street discontinuance had been discussed at the 2023 Town Meeting, which was not the case. Since Torrington Road is a paper road, it only requires approval from the Planning Board to be discontinued.

ii. Special Permit – Ecogy Energy – OSJL Roof – Roof PV Systems: Having received an application and site plans from the applicant and their representatives for the installation of solar panels on the roof of the Ocean State Job Lot building in the Berdon Way Plaza, the Planning Board will consider this Special Permit request at the next meeting.

3. PUBLIC HEARINGS:

Before opening the public hearing, the board discussed how there were only five voting members in attendance for this meeting, as Mr. daSilva was ineligible to vote on this application. While five members would meet the required number to vote on a subdivision, it would leave no margin of error for the applicant should any member wish to deny the application. Mr. Davignon, engineer for the applicant, stated that given the amount of time spent on the application and that it had passed other boards, that it should be ready for the Planning Board's approval. Ms. Melanson agreed to open the hearing and let Mr. Davignon speak to the board.

**a) DS 2022 - 01 - Starboard Drive Definitive Subdivision: Continued From April 25, 2023.
Continued Public Hearing on a proposed 8-lot subdivision on Starboard Drive.**

Ms. Melanson gave a summary of the hearing, originally begun on November 10, 2022.

Mr. Davignon began by handing out an updated waiver request list to the board before covering the project updates since the April 11, 2023 meeting. Since then, they have appeared before the Conservation Commission at the April 24 and May 15 meetings in regards to storm water regulations and the Wetland Protection Act. As the subdivision's drainage ponds will discharge into the nearby wetland resource areas, the Commission has a right to vote on and approve the requested storm water related waivers. In their peer review conducted by John Rockwell, they wished to see the plans updated to eliminate the need for two of the storm water waivers – the First Flush Waiver and the Volume Control Waiver – before they would grant the remaining waivers.

Mr. Davignon then covered the changes to the plans on the updated May 1, 2023 iteration. He directed the board's attention to Sheet 4 and the changes made to the two Ponds. The Infiltration Basin – Pond A – was enlarged and extended out to the border of the 25' buffer zone and the Detention Basin – Pond B – was subsequently reduced in size. By doing this, they were able to eliminate the need for the First Flush Waiver and the Volume Control Waiver. Sheets 5 and 6 went into further detail on the basins and roadway plans.

The updated waiver list also included a request for the existing utilities to remain in place as the poles are currently owned and operated by Eversource and running them underground would require additional costs, engineering, and construction.

Going back to the Conservation Commission, Mr. Davignon noted that the public hearing with the Commission had been closed and they would be voting on an order of conditions for the

project at their next meeting. He hoped that the Planning Board would be able to come to a similar conclusion.

When he brought up his questions about the list of conditions the Planning Board had sent him that day, Ms. Melanson explained that it was a standardized list of conditions and the board could edit and amend them for his project. Mr. Davignon then gave his feedback on the conditions, requesting edits to items 1 and 14 and for items 3 and 9 to be removed.

Mr. Lucas reiterated his request for the board to receive a copy of the HOA contract before signing off on the plans. Mr. Davignon promised that during the appeal period after the plans are approved, he would present a copy of the HOA contract to the board for review before the final sign-off on the plans.

Mr. Lucas also inquired as to the final width of the road, with Mr. Davignon answering that it would remain 18 feet wide. Different widths between 16 feet and 20 feet had been suggested during this planning process, but an 18 feet wide road with five and a half foot shoulders was found to be appropriate for a private road.

Mr. Lucas asked that even with the changes to the ponds if the grades remained 3 to 1 on the interior slope, which Mr. Davignon confirmed was true. He noted the 5 to 1 outer slopes and assured that the 3 to 1 inner slopes meet the MSH handbook guidelines, even if they are not the 4 to 1 slopes requested by the Planning Board.

After a short review of the waivers, Ms. Melanson called for a motion to approve the plans and the waivers.

Mr. Braga made a motion to approve DS 2022 - 01 - Starboard Drive Definitive Subdivision with 14 waivers and with the amendments to the conditions of approval – For #1, inserting language that the plans are prepared by Schneider, Davignon & Leone, Inc. and contain six sheets dated May 1, 2023, deleting #3 and #9, and amending #14 to read “prior to construction the applicant shall” rather than “prior to endorsement the applicant shall,” and was seconded by Mr. Grant. The motion passed unanimously. (5-0)

After the motion passed, Ms. Melanson informed Mr. Davignon of her office hours and updated email address should he need to contact her.

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

There was no other business for this meeting.

5. **NEXT MEETING:** Tuesday June 20, 2023.

Ms. Melanson reminded the board that Town Administrator Ms. Ellison has requested their attendance at the June 13th meeting of all board, committee, and commission members. She also informed the board members that she is currently arranging for the Planning Board to only meet once a month during the transition period until a new Town Planner is hired.

Mr. Braga made a motion to adjourn and was seconded by Mr. Grant. The motion passed unanimously at 7:02 PM.

Respectfully submitted,
Stephanie A. Fidalgo
Recording Secretary,
Planning Board