



TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD
Town Hall · 40 Center Street · Fairhaven, MA 02719

FAIRHAVEN TOWN CLERK
ROUD 2024 JAN 24 AM 9:58

MEETING MINUTES

Tuesday, January 9, 2024 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. Cathy Melanson, opened the meeting at 6:32 PM and advised who was present. The media notification was written on the agenda for the meeting and thus was not read aloud.
- b) **Quorum/Attendance: Present:** Cathy Melanson, Jessica Fidalgo, Jeff Lucas, Patrick Carr, Sharon Simmons, Ruy daSilva, and Diane Tomassetti in the Town Hall Banquet Room. Kevin Grant via Zoom.

Recording Secretary Stephanie Fidalgo was also present. Paul DiGiuseppe, Director of Planning & Economic Development, was not present for this meeting.

Absent: None

- c) **Minutes: December 12, 2023 drafts to be reviewed:**

Ms. Tomassetti made a motion to accept the minutes of December 12, 2023, and was seconded by Ms. Fidalgo. The motion passed unanimously via roll call vote. (8-0)

- d) **Correspondence:** There was no general correspondence for this meeting.
- e) **Planning Board Decisions:** Ms. Melanson requested to have this item moved to the end of the meeting.

Mr. Lucas made a motion to move the Planning Board Decisions item to the end of the meeting and was seconded by Ms. Fidalgo. The motion passed unanimously via roll call vote. (8-0)

2. RECEIPT OF PLANS:

- a) **FA 23-08 54 Adams Street: Form A proposal to divide Assessor's Map 10, Lot 31 into two lots, submitted by Seth Barlow. Continued from December 12, 2023.**

Ms. Melanson noted the discussion that had occurred at the December 12, 2023 meeting regarding the adequacy of Judd Street. She then read Mr. DiGiuseppe's staff report, with the

comments from Fire Chief Todd Correia confirming that emergency vehicles could safely use the street. Highway Superintendent Joshua Crabb also confirmed that while Judd Street was not a regularly maintained road, the BPW still considered it a secondary street for plowing. Thus, even with Judd Street being a gravel road, the staff report considered it to meet the adequacy requirements.

Mr. Seth Barlow of Farland Corp spoke to the Board via Zoom. He covered the project history to divide the lot so that the current two-family house with frontage on Adams Street would be on one lot and the other lot would be a vacant lot with frontage on Judd Street. He noted that the ZBA had previously granted relief from the dimensional zoning requirements and that had also read the Fire Chief and Highway Superintendent's comments confirming the adequacy of Judd Street.

Mr. Carr made a motion to approve the endorsement of FA 23-08 54 Adams Street and was seconded by Ms. Tomassetti. The motion passed unanimously via roll call vote. (8-0)

b) FA 24-01 357-359 Main Street: Form A proposal to divide Assessor's Map 22A, Lot 83 into two lots, submitted by Sam lamele

Map 22A, Lot 83 contains two structures – The former Church of the Good Shephard at 357 Main Street and a historic house at 359 Main Street. This Form A proposal would divide the lot so that each structure was on a separate lot. Ms. Melanson covered the note in the staff report regarding the frontage for the new lots. Building Commissioner Randy Bassett had written to the Planning Director and the Board that since both newly created lots would be corner lots, the frontage calculation could include both streets. Thus, Lot 1 would have 173.74 feet of frontage and Lot 2 would have 187.97 feet of frontage.

Mr. Lucas noted that the lot was currently non-conforming and that both resulting lots would also be non-conforming. Ms. Fidalgo also noted the section of the staff report referring to MGL Chapter 41, Section 81L, which allowed for the division of lots with two or more buildings that had been standing prior to the adoption of the subdivision control law within the Town.

Mr. Sam lamele of JC Engineering spoke to the Board. He covered the project history, noting that the structures were both built before 1920, decades before the Town adopted its subdivision control law in 1957.

Mr. daSilva made a motion to approve the endorsement of FA 24-01 357-359 Main Street and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (8-0)

3. PUBLIC HEARINGS:

- a) **SP 23-09 240B LLC - Bridge Street Special Permit:** Build a 5,850 sq. ft. commercial style building on Bridge Street (Map 30A, Lots 87 & 87A), submitted by Carricorp Industries, LTD. ***Continued from November 28, 2023. Applicant is requesting a continuance to February 13, 2024***

Mr. Lucas made a motion to continue SP 23-09 240B LLC - Bridge Street Special Permit to February 13, 2024, and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (8-0)

- b) **SD 23-04 Street Discontinuance – 11 Sandra Lane:** Discontinue the area of a paper road, Sandra Lane, that abuts the north side of 11 Sandra Lane (Map 36, Lot 30), submitted by Joel Brienzo and Mary Jane Brienzo.

Ms. Melanson noted that as far as a visual to show the requested area for discontinuance, only an Assessor's map with the area requested to be discontinued highlighted was submitted for this application.

Mr. Joel Brienzo spoke to the board. He outlined the current issues faced at his property, such that all his mail and packages were delivered to other houses in the neighborhood and GPS continually directed people to 9 Sandra Lane instead of his property. That led to his main concern of having emergency vehicles be misdirected and delayed trying to reach his house. There were also issues with drivers continually thinking that Andrew Avenue led to an I-95 on-ramp and then turning around in front of Mr. Brienzo's property. All of these were long-standing issues as when he purchased the property in 2011, that section of Sandra Lane was already unused and overgrown.

Ms. Melanson confirmed that Mr. Brienzo's eventual plan was to have his address changed to Andrew Avenue. Mr. Brienzo noted that when he had previously spoken to Town staff about the change of address, he was informed that he would first need to discontinue the section of the road and then could request a change of address from the Board of Assessors.

Mr. Lucas inquired if the house had a septic system or if it was connected to the Town's sewer system, with Mr. Brienzo confirming that it was part of the sewer system. Ms. Fidalgo noted that she had inquired about any pipes in that section of Sandra Lane and BPW Superintendent Vinnie Furtado and confirmed that there were none.

Mr. Lucas also asked about how the discontinued section of the road would be divided between Mr. Brienzo and the lot on Andrew Avenue owned by Mr. Coleman C. Lopes, as a surveyed plan had not been submitted to the Board. Mr. Brienzo replied that Mr. Lopes was his brother-in-law and they had already decided on the property division but would need to have it formalized with a survey and plan. Mr. Brienzo also confirmed to Mr. Carr that Mr. Lopes fully approved of the street discontinuance, including having reviewed the application and signed it.

Mr. daSilva made a motion to approve SD 23-04 Street Discontinuance – 11 Sandra Lane and was seconded by Mr. Grant. The motion passed unanimously via roll call vote. (8-0)

Ms. Melanson and Recording Secretary Stephanie Fidalgo both reminded Mr. Brienzo that he would need to visit the Planning Department to address a small outstanding payment to cover the mailing of decision notice postcards.

4. OTHER BUSINESS:

a) Planning Board Decisions

Ms. Melanson wanted to address allegations of a Planning Board member having spoken to previously approved applicants about issues with conforming to the conditions outlined in Planning Board Decisions. She stated that the Enforcement of Conditions could only be done by the Town's Zoning Enforcement Officer, Building Commissioner Randy Bassett and that Planning Board members would need to bring their concerns with any projects to Mr. Bassett.

Mr. Carr then passed out a complaint letter he had received from a prior applicant to the members of the Board present at Town Hall. He had previously forwarded the letter to the Town Administrator and members of the Select Board. He had not heard any updates on the matter and felt the need to forward it to the full Planning Board. Mr. Carr also asked Ms. Melanson for confirmation that Planning Board members were not to check in with previously approved applicants, which she confirmed and then reiterated that all concerns needed to be brought to Mr. Bassett. There was also a discussion on the legal liability connected to this complaint and others.

Mr. daSilva asked for Mr. Lucas to speak on the incident outlined in the complaint. Mr. Lucas outlined that on May 5, 2023, when he had been visiting the NIFA building, he had also visited the prior Bijou Building on Main Street at the invitation of Mr. Julio Barbosa and had specifically stated that he would not be acting as a Planning Board member while doing so. He had briefly discussed the planned dumpster location with Mr. Barbosa, though he also did not bring the concern to Mr. Bassett as he had not been acting as a Planning Board member during that visit. He had also previously had a meeting with the Town Administrator regarding this complaint. Mr. daSilva and Ms. Tomasetti then both voiced their concerns about the allegations.

Mr. Lucas noted that this discussion should have been held in an Executive Session. Ms. Fidalgo, Ms. Melanson, and Ms. Simmons all noted their discomfort at having been given the complaint letter during the meeting and not beforehand. When Ms. Melanson asked if he had anything else to say, Mr. Lucas withheld further comment.

Mr. Carr outlined his concerns regarding the issue, his current dissatisfaction with how his attempts to resolve the issue had played out, and why he felt compelled to bring the complaint directly to the rest of the board. Ms. Melanson outlined the process once more for Planning

Board members to report their concerns to Mr. Basset and stated that she would speak to Ms. Ellison on the issue. She was also concerned that Ms. Ellison had not spoken to her about the complaint given her roles and responsibilities as the chair of the Board.

Ms. Fidalgo would like to see further communication and follow-through from the Town Staff after reporting concerns, especially given that neither Mr. Carr nor Ms. Melanson had been informed of Mr. Lucas' meeting with Ms. Ellison regarding this complaint. Mr. Carr did apologize for handing out the complaint to the Board at the meeting, but he felt this was his best recourse given that he had not received any communication from the Town Administrator or members of the Select Board.

Mr. Lucas assured the Board that he had and would bring any concerns with approved projects to the Building Commissioner. He also specifically stated that he personally had no issues with Mr. Barbosa and his only concern was for the final version of the project to match the approved plans. There were also concerns from the Board about the statements and actions of Mr. John Medieros relating to Mr. Barbosa.

Ms. Simmons and Mr. Carr again voiced their concerns about the lack of communication after reporting the issue to the Town Administrator. Ms. Melanson again promised that she would speak to Ms. Ellison on the issue and both she and Mr. Carr hoped that the issue could be amicably resolved with Mr. Barbosa.

b) 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, January 23, 2024.

Ms. Melanson adjourned the meeting at 7:28 PM

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

Approved, January 23, 2024