



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

MEETING MINUTES

Tuesday, March 26, 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 6:33 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, Sharon Simmons, Patrick Carr, Kevin Grant, Diane Tomassetti, and Ruy daSilva in the Town Hall Banquet Room.

Paul DiGiuseppe, Director of Planning & Economic Development and Recording Secretary Stephanie Fidalgo were also present for this meeting.

Absent: Jeff Lucas

- c) **Minutes: March 12, 2024, drafts to be reviewed:**

Ms. Fidalgo made a motion to accept the minutes of March 12, 2024, and was seconded by Ms. Tomassetti. The motion passed unanimously. (7-0)

- d) **Correspondence:**

There was no correspondence for this meeting

2. 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 to March 26, 2024*

Mr. DiGiuseppe gave a summary of the work done since the original hearing in November of 2023. The project, including plans and the stormwater report, along with the accompanying traffic study had been peer reviewed by GCG. Zenith Consulting Engineers, LLC had submitted updated plans and their responses to the review comments, but there has yet to be a follow-up review from GCG.

Jamie Bissonnette of Zenith Consulting Engineers, LLC presented to the Board. The engineers had worked on updating the plans to address the peer review comments with most of the

changes having been focused on drainage and grading, relocating the emergency spillway, reworking the outlet structure of the basin, and some additional changes to the forebay. Even with these changes though, the main site layout remained roughly the same as the original proposal.

Mr. Bissonnette also noted that the traffic report had also been favorably reviewed by GCG and that the project was still under review by the Conservation Commission. He hoped that after receiving ConComm's and GCG's comments, they would find that all the issues had been addressed. Though, he did explain to the board that GCG could request further adjustments or could critique their proposed solutions, but overall, the process had been proceeding well.

As they would need to await further comments from GCG to continue the project, Ms. Melanson recommended a continuation of the Public Hearing to the next Planning Board meeting on April 9, 2024.

Mr. Grant made a motion to continue 240B LLC - Bridge Street Special Permit to April 9, 2024, and was seconded by Ms. Simmons. The motion passed unanimously. (7-0)

- b) Zoning Bylaw Change Public Hearing:** Recommendation for Town Meeting. Proposed changes to Chapters 65, 198, 306, 316, and 322.

Please note that the proposed changes are not listed in detail for these minutes. For a detailed list of the proposed changes, please see the minutes of March 12, 2024.

Mr. DiGiuseppe outlined that the vote taken at the March 12, 2024 meeting had been to place the changes on the Annual Town Meeting Warrant, whereas this public hearing would be for the Board's official recommendation to Town Meeting. He covered the changes in brief and then answered a few outstanding questions. On utility lines for Accessory Dwelling Units, BPW Superintendent Vinnie Furtado wrote in that while separate connections for the ADU's were preferred, the connection requirements would vary depending upon the part of Town the ADU was located in.

He also noted that semi-detached dwellings were defined in the bylaw and read the definition to the Board. He noted that Two-Family Dwellings were allowed by right in the Mixed Use district, so allowing semi-detached as well would be consistent.

Regarding hedges, the change in wording was to maintain enforcement of preventing visual obstructions near driveways and streets by restricting hedge height in those areas, while removing the height requirement along property lines to allow for hedges to be used to provide privacy between neighboring properties.

Ms. Fidalgo inquired if changing ADU's to by right would still require a review from different

department heads, such as the BPW, with Mr. DiGiuseppe confirming. She and Ms. Tomassetti then asked about how ADU's would interact with the Short Term Rental bylaw and Mr. DiGiuseppe explained that ADU's were already barred from being used for Short Term Rentals under that bylaw.

The floor was then opened to public comment, with Ms. Melanson requesting that comments be kept to roughly two minutes.

Mr. Wayne Hayward of 48 Gillette Road spoke to the Board. He had particular concerns with allowing semidetached dwellings in the Mixed Use district and wished to see more explicit rules and restrictions on Accessory Dwelling Units.

Mr. Carr made a point of order regarding the suggested time limit. Mr. Hayward briefly continued to explain his concerns with how the vote at Town Meeting would be conducted and the review of the proposed changes by the Attorney General's office. Regarding Accessory Dwelling Units in particular, Ms. Melanson noted the proposed legislation to allow them by right state-wide and Ms. Simmons commented that the bylaw currently referred to the conversion of existing structures.

Ms. Despina Longinidis of 101 Washington Street spoke to the Board. She commented on Mr. Carr's statements regarding Accessory Dwelling Units from the March 12, 2024 meeting and also had concerns with removing the special permit process for docks and piers.

Ms. Anna Luckey of 27 Green Street spoke to the Board via Zoom. She expressed her support for Accessory Dwelling Units and outlined the benefits of having one for her own family. She wished to see barriers lowered for creating new housing in the Town.

Mr. Grant commented that he supported Accessory Dwelling Units, but he did not wish to remove the Planning Board review of those projects. While he supported many of the proposed changes, he had concerns of grouping them all together and wished to have had further public input on the changes before they were presented to Town Meeting. Ms. Melanson addressed his concerns by noting that ADU's would still have to be reviewed by the Building Commissioner and that the changes would be broken out into different votes. Mr. Grant remained apprehensive that there would be enough support for the changes.

Mr. Carr noted the state legislation's movement towards ADU's by right and his concerns with extensive oversight, citing the SP23-04 42 Bellevue Street AUD Special Permit as an example.

Ms. Fidalgo inquired if there were limits to the number of ADU's allowed on a lot already in the state law. Ms. Tomassetti noted that the bylaw still required that the property meet the minimum lot size requirement before there could be an ADU conversion.

Mr. Hayward was invited to speak again. He brought up his concerns with the addition of uses

for storage units and shipping containers without additional accompanying regulations. He also outlined his concerns with the use table addition for health care offices, allowing docks by right, and the changes to the solar bylaw. Ms. Melanson noted that the solar bylaw changes still prohibited clear cutting. She made further comments on Town's need to grow.

Mr. Carr made a motion to approve the Zoning Bylaw Changes: Recommendation for Town Meeting, proposed changes to Chapters 65, 198, 306, 316, and 322 and was seconded by Ruy daSilva. The motion passed with Cathy Melanson, Sharon Simmons, Patrick Carr, Diane Tomassetti, and Ruy daSilva in favor, and Jessica Fidalgo and Kevin Grant against. (5-2)

- c) **Stormwater Bylaw Change Public Hearing:** Recommendation for Town Meeting. Proposed changes to Chapters 194, 198-31.1, and 322-26._

Mr. DiGiuseppe noted that no changes had been made since these changes had been shown at the March 12, 2024 meeting. The proposed changes would merge the three different stormwater bylaw sections into a rewritten Chapter 194, with 198-31.1 and 322-26 being repealed. Aspects from the three current bylaws would also be moved into an accompanying set of regulations, which could be regularly updated without the need for a Town Meeting vote. The changes would also create a Stormwater Authority, made up of the BPW Superintendent, the Conservation Agent, and the Director of Planning and Economic Development, who would guide projects through the review process by different Boards and Commissions.

Melissa Recos with BETA Group was invited to speak to the Board. She explained that the changes would streamline the process and hold all projects to one, unified standard.

Mr. Wayne Hayward of 48 Gillette Road spoke to the Board. He had previously worked on this subject with the prior Director of Planning and Economic Development, Paul Foley. He had concerns with how waivers to MGL Chapter 41, Section 81R would be handled under these new bylaws and regulations and how they could possibly fall under the purview of the Stormwater Authority rather than the Planning Board. He had additional concerns with the inclusion of offsite mitigation options.

Ms. Recos noted that waiver requests would still require a public hearing. For offsite mitigation, she explained that it would be done in line with the MS4 guidelines to allow developers for options when dealing with unfavorable on site soil conditions, with the off-site mitigation measures held to a higher standard.

Mr. Carr made a motion to approve the Zoning Bylaw Changes: Recommendation for Town Meeting, proposed changes to Chapters 65, 198, 306, 316, and 322 and was seconded by Kevin Grant. The motion passed unanimously with Cathy Melanson, Jessica Fidalgo, Sharon Simmons, Kevin Grant, Patrick Carr, Diane Tomassetti, and Ruy daSilva in favor. (7-0)

3. **OTHER BUSINESS:**

- a) **Any other business that may properly come before the Board, not reasonably anticipated when posting 48 hours prior to this meeting.**

Mr. DiGiuseppe told the Board that he had submitted his resignation as the Director of Planning and Economic Development and would be leaving the position on April 5, 2024. He expressed his gratitude for having worked with the Town of Fairhaven, the staff, and the Board.

4. **NEXT MEETING: Tuesday, April 9, 2024.**

Ms. Melanson adjourned the meeting at 7:23 PM

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

Approved, April 9, 2024