



TOWN OF FAIRHAVEN, MASSACHUSETTS

PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

MEETING MINUTES

Tuesday, April 23, 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, Sharon Simmons, Patrick Carr, Diane Tomassetti, Ruy daSilva, and Rick Trapilo in the Town Hall Banquet Room.

Recording Secretary Stephanie Fidalgo was also present for this meeting.

Absent: Kevin Grant

- c) **Minutes: April 9, 2024, drafts to be reviewed:**

Ms. Tomassetti made a motion to accept the minutes of April 9, 2024 and was seconded by Ms. Fidalgo. The motion passed unanimously. (6-0)

- d) **Correspondence:**

There was no general correspondence for this meeting.

Mr. Carr arrived at 6:34 PM.

2. RECEIPT OF PLANS:

- a) **FA 24-06 11 Sandra Lane:** Form A proposal to divide the discontinued section of Sandra Lane into three parcels – Parcel A at 767.3 sq. ft., Parcel B at 3,066.5 sq. ft., and Parcel C at 3,735.9 sq. ft. – and combine Parcel A with 1 Andrew Avenue (Map 36, Lot 23) and Parcels B and C with 11 Sandra Lane (Map 36, Lot 30), submitted by Joel and Mary-Jane Brienzo.

Mr. Joel Brienzo of 11 Sandra Lane presented to the Board. This Form A proposal followed the discontinuance the section of Sandra Lane between the two properties that was approved on January 9, 2024. As per the discussions at that meeting, the section would be unevenly split with the majority of the land going to Map 36, Lot 30.

Ms. Simmons made a motion to sign FA 24-06 11 Sandra Lane and was seconded by Ms. Tomassetti.

Ms. Fidalgo inquired if the approval required two motions, with Ms. Melanson confirming that only a single motion was required.

The motion passed unanimously. (7-0)

3. PUBLIC HEARINGS:

- a) **SD 24-01 Delmont Street Unaccepted Street Discontinuance:** Discontinue the unaccepted area of Delmont Street, that abuts the north side of 11 Delmont Street (Map 28B Lot 715 and Map 29 Lots 6C & 8), submitted by Mark Blouin.

Ms. Melanson opened the public hearing.

Mr. Mark Blouin of 11 Delmont Street presented to the Board. He explained that the portion of Delmont Street was considered to be private and was currently not maintained by the Town. He wished to have the street discontinued with part of the land integrated into his property to be able to build a new garage closer to the street.

Ms. Tomassetti inquired if there were any easements within the section of the street to be discontinued. Mr. Blouin answered that the utility lines ended at his property line and that the property abutting the other side of the section of the street, Map 28B Lot 560, was owned by the Town. Ms. Melanson had also confirmed with BPW Superintendent Vinnie Furtado that the sewer and water lines all ran towards Sconticut Neck Road and not in the section to be discontinued. Mr. daSilva confirmed that the BPW had no issues with the property.

Ms. Fidalgo brought up the fact that this section of Delmont Street had not previously been part of the lot and outlined her concerns with approving the street discontinuance in that circumstance. Ms. Melanson replied that the section of Delmont Street had remained private after the portion that connected to Sconticut Neck Road was taken and was not considered to be useable.

When Town Administrator Angie Lopes Ellison entered the meeting's audience, Ms. Fidalgo outlined her concerns regarding the property to Ms. Ellison and inquired if there would need to be additional steps taken to discontinue the street. Ms. Melanson and Ms. Fidalgo briefly discussed the procedures.

Ms. Ellison summarized her understanding of the situation and noted that there was a prior street discontinuance done through the Planning Board that had to be nullified due to legal circumstances around how the street had been acquired. She suggested that the Board could

approve the street discontinuance pending Town Counsel review and Ms. Melanson confirmed that as an option for the motion.

Ms. Simmons commented that the legal requirement may be to prove that no one else had claim to the private portion street, with the only two entities probably having right to the portion being either Mr. Blouin or the Town.

Mr. Carr outlined his concerns as to how the land would be divided given that the Town was the other abutter. Ms. Melanson confirmed to the Board that Mr. Furtado had no concerns with the street discontinuance.

Mr. Carr made a motion to approve SD 24-01 Delmont Street Unaccepted Street Discontinuance and was seconded by Mr. daSilva.

Recording Secretary Fidalgo inquired if the motion should include the phrase, "pending Town Counsel approval." Mr. Carr answered that the motion was solely to approve the street discontinuance.

Ms. Melanson welcomed members of the public to speak.

Ms. Andrea Cabral of 7 Delmont Street spoke in favor. She confirmed the state of the portion to be discontinued and assured that she and her husband had no claims to the street.

Ms. Catherine Hanley of 239 Sconticut Neck Road spoke in favor.

The motion passed with Cathy Melanson, Sharon Simmons, Patrick Carr, Diane Tomassetti, Ruy daSilva, and Rick Trapilo in favor and Jessica Fidalgo against. (6-1)

Ms. Melanson closed the Public Hearing.

4. OTHER BUSINESS:

- a) **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, May 14, 2024.

Ms. Melanson adjourned the meeting at 6:53 PM

Respectfully submitted,
Stephanie A. Fidalgo
Recording Secretary,

