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TOWN OF FAIRHAVEN, MASSACHUSETTS

PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

MEETING MINUTES

Tuesday, May 28, 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 6:30 PM and advised who was present. The media notification was written on the agenda for the meeting and thus was not read aloud. She noted that Mr. Carr and Mr. daSilva would be leaving the meeting at some point to attend the Select Board downstairs.
- b) **Quorum/Attendance: Present:** Cathy Melanson, Jessica Fidalgo, Sharon Simmons, Patrick Carr, Ruy daSilva, and Rick Trapilo in the Town Hall East Room. Kevin Grant on Zoom.

Absent: Diane Tomassetti

Recording Secretary Stephanie Fidalgo and Tree Warden Don Collasius were present in Town Hall and Conservation Agent Bruce Webb was present via Zoom.

- c) **Minutes: May 14, 2024 drafts to be reviewed:**

Ms. Fidalgo made a motion to accept the minutes of May 14, 2024 with a correction of the date from April 23, 2024 to May 14, 2024 and was seconded by Mr. Carr. The motion passed unanimously via roll call vote. (7-0)

- d) **Correspondence:**

Ms. Tomassetti had submitted a letter to the Board regarding the review of the Starbucks landscaping plan and it would be held until that discussion.

2. RECEIPT OF PLANS:

- a) **FA 24-08 11 Delmont Street:** Form A proposal to merge the discontinued 9,664 sq. ft. section of Delmont Street with 11 Delmont Street (Map 28B Lot 715 and Map 29 Lots 6C & 8), submitted by Mark Blouin.

Mr. Mark Blouin presented to the Board. After the discontinuance of the section of Delmont Street that abutted his property (See SD 24-01 11 Delmont Street), he sought to merge the entire section with his lots. This would allow him to have more space available when building a new garage on the property.

Mr. Carr made a motion to approve FA24-08 11 Delmont Street and was seconded by Mr. daSilva. The motion passed unanimously via roll call vote. (7-0)

3. REVIEWS/DISCUSSION:

- a) **SP 23-05 Starbucks 27-29 Alden Road Special Permit:** Review of compliance with the approved landscaping plan.

Applicant Michael W. Panagakos spoke to the Board. The original plan and proposal for this special permit had included a landscaping plan which would preserve the existing mature trees along the west and south sides of the property. However, once construction began on the property in late 2023, the changes to the grading and the addition of new curbing on the property resulted in damage to the root systems and the trees needed to be removed. Since the removal, new young trees had been planted, with plans for seven new trees to be planted on the property.

Mr. Carr and Mr. daSilva left the meeting at 6:39 PM.

Mr. Panagakos emphasized that the trees had only been removed as they could not be preserved and that he wished to mediate the situation.

Ms. Melanson requested questions from the Board.

Ms. Fidalgo inquired about the species of the new trees and if they would be utility friendly. Mr. Panagakos had replaced the trees with Frank's Red Maple trees which were approved by the Town.

Both Ms. Simmons and Mr. Trapilo expressed their understanding for the situation, and Mr. Trapilo requested further information on the conversations between Mr. Panagakos and Tree Warden Don Collasius. Mr. Panagakos outlined his conversations with Mr. Collasius regarding the replacement of the trees, specifically discussing the size of the trees and the attempts made to redress the issue, including Mr. Collasius' request that a donation be made to the Town Tree Fund.

Ms. Simmons read a letter from Ms. Tomassetti's letter into the record. [See the attachment].

Mr. Panagakos reiterated his original intent to preserve the all four trees on the property, as presented in the original plans, and his current plan to replace the removed trees with seven new ones and keep the property well landscaped.

Mr. Grant outlined his concerns with the lack of communication to the Board regarding the removal of the trees and the changes to the landscaping. Mr. Panagakos expressed his frustration with the options offered to him by the previous Director of Planning, Mr. Paul

DiGiuseppe, for redressing matter. Ms. Melanson then added that during this interim period, she would be setting the meeting agendas and welcomed contact to her Town email address: planningboard@fairhaven-ma.gov

Ms. Fidalgo requested clarification for the locations of the new trees, Mr. Panagakos indicating five trees along the west side and two trees to the south.

Ms. Melanson invited the public to comment.

Ms. Kelsey Collasius asked about the timeline of the conservations regarding the trees. Mr. Panagakos explained that the damage to the trees happened at the start of construction and the removal had to be quickly arranged thereafter, despite the original plans to preserve the trees.

Tree Warden Don Collasius explained that while the trees were private, part of his job was to maintain the Town's overall tree canopy. Mr. Collasius had concerns if the trees could have been preserved, given the new layout of the property and the required redevelopment. Since they had been marked for preservation, the unplanned removal of four 20" trees resulted in a loss of a cumulative diameter of 80". Other Towns have bylaws which require "inch for inch" equivalent replacement in such cases, and Mr. Collasius contested the size of the replacement trees. He also wanted to have received more communication from Mr. Panagakos ahead of the tree removal. Mr. Collasius then recommended the Board issue a request that the Building Department should not issue a Certificate of Occupancy until the matter was properly resolved.

Mr. Panagakos recounted his conversations with the Town Staff on the matter, reiterating his previous points and asserting that equivalent replacement bylaws only applied to public trees, not privately owned trees such as his.

Mr. Carr and Mr. daSilva returned to the meeting at 7:08 PM.

Ms. Melanson explained that the board would not be holding a vote on the discussion, nor would any fines be levied or other actions taken. She thanked Mr. Panagakos for speaking to the board and requested that he speak with her directly if there were any further concerns.

4. OTHER BUSINESS:

a) Master Plan Discussion – Goal setting

Ms. Melanson requested that the Board members review the Master Plan, specifically the Implementation Matrix. She would want to focus first on housing and economic development, noting a number of new small businesses opening in the Town.

Mr. Trapilo left the meeting at 7:10 PM.

Ms. Simmons suggested to table further discussion on Accessory Dwelling Units until after any possible action on the issue by the State Legislature as part of the pending Affordable Homes Act.

The Board discussed the proposed adoption of a 40R Bylaw, which would complement many of the goals of the Master Plan including increased housing options, higher density zoning, and increased mixed-use development. They also agreed that public communication would be key for 40R approval at a Town Meeting.

Mr. Trapilo returned the meeting at 7:15 PM.

Ms. Simmons asked about the current progress towards 40R adoption and Ms. Melanson explained that the Select Board would be holding a public hearing on June 10, 2024 and that the Planning Board was invited to attend if they wished. She then explained that Select Board would be voting on sending the 40R proposal to the state for review. Ms. Simmons recommended holding further public meetings and hearings on the proposal.

Mr. Carr outlined the 40R adoption process and the interactions necessary between the both the State and Town. Ms. Melanson confirmed that the Planning Board would be involved in the approval process for individual projects and that there was already an interested developer.

Ms. Melanson outlined her hopes to accomplish a number of goals in the Master Plan if possible.

Mr. daSilva inquired if there were any plans for the old Atlas Tack building, with Ms. Melanson assuring that progress was being made.

Ms. Fidalgo suggested that each member prioritize three goals for discussion at the next meeting.

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, June 11, 2024.

Ms. Melanson adjourned the meeting at 7:27 PM

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

Approved, June 25, 2024