



TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD

Town Hall · 40 Center Street · Fairhaven, MA 02719

MEETING MINUTES

Tuesday, June 25, 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.

b) **Quorum/Attendance: Present:** Cathy Melanson, Sharon Simmons, Patrick Carr, Ruy daSilva, Diane Tomassetti, and Rick Trapilo in the Town Hall East Room. Kevin Grant on Zoom.

Absent: Jessica Fidalgo

Recording Secretary Stephanie Fidalgo was present in Town Hall and Conservation Agent Bruce Webb was present via Zoom.

c) **Minutes: May 28, 2024 drafts to be reviewed:**

Ms. Tomassetti made a motion to accept the minutes of May 28, 2024 and was seconded by Mr. Trapilo. The motion passed unanimously via roll call vote. (7-0)

During this vote, Ms. Melanson explained the changes to the Zoom meeting settings for increased safety and security.

d) **Correspondence:**

A letter had been sent to the Board by Mr. John Medeiros of 538 Dana Farms. While the letter was not discussed during the meeting, it is included as an attachment to these minutes. *[See Attachment A.]*

Ms. Melanson requested to take General Business items E and F out of order to before Other Business.

Ms. Tomassetti made a motion to move items E and F to just before Other Business and was seconded by Mr. Trapilo. The motion passed unanimously via roll call vote. (7-0)

38 **2. REVIEWS/DISCUSSION:**

39 a) **SP 23-05 Starbucks 27-29 Alden Road Special Permit:** Review of an update to the utility plan to
40 include an irrigation line.

41
42 Applicant Michael W. Panagakos spoke to the Board. The Board of Public Works had tentatively
43 approved an update to the original plan to add in an irrigation line and accompanying meter pit
44 along the southern side of the property. The update should not affect vehicular or pedestrian
45 traffic around the restaurant. Ms. Melanson noted that Water Superintendent, Jeffrey Furtado,
46 had no issues with the plan.

47
48 Mr. Panagakos explained that the irrigation line would tie into the water service that previously
49 served the Dunkin Donuts on the property. The line had previously been planned to be capped,
50 but upon further review, making use of the line for irrigation proved to be a better plan.

51
52 As there was no issue from the Board with this update to the plans, Ms. Melanson noted that
53 the plans would be updated in the Planning Board's official record with their approval.

54

55 **3. PUBLIC HEARINGS:**

56 a) **SP 24-02 36 Francis Street ADU:** - Special Permit proposal for the total conversion of the
57 existing garage at 36 Francis Street (Map 12, Lot 135) into an Accessory Dwelling Unit,
58 submitted by Jessica Whiteley. *Applicant requests a continuance to the July 23, 2024 meeting.*

59

60 **Mr. Grant made a motion to continue SP 24-02 at the applicant's request and was seconded**
61 **by Ms. Tomassetti. The motion passed unanimously via roll call vote. (7-0)**

62

63 **1. GENERAL BUSINESS:**

64 Before starting the discussion, Ms. Melanson noted that the discussion on the Master Plan may be
65 shortened or dropped depending on the length of other discussions.

66

67 e) **40R Discussion**

68 At their June 24, 2024, meeting, the Select Board had unanimously approved to have
69 Fairhaven's 40R application be reviewed by the Executive Office of Housing and Livable
70 Communities.

71

72 Ms. Melanson opened the floor to discussion from the Board.

73

74 Mr. Grant recounted the discussions he had regarding the 40R and its potential for
75 improvement. However, he had reservations regarding the possibility of the 40R bylaw passing
76 at a Town Meeting given the current absence of a Town Planner, how the Planning Board
77 sponsored articles faired at the May 4, 2024 Town Meeting, and issues with public outreach
78 and communication. He referenced his letter submitted to the June 10, 2024 Select Board
79 meeting [*See Select Board Packet Files: 06-10-2024 Letters: 40R Public Hearing*] and concerns
80 raised therein. For the 40R bylaw to have the best chance of passing, he supported taking more
81 time to work on the process and waiting until a new Town Planner was hired.

82 Ms. Simmons suggested that Mr. Grant and anyone else who had hesitations on the 40R Bylaw
83 watch the June 24, 2024, Select Board meeting as the consultants addressed many of the
84 concerns raised and clarified the process. Ms. Tomasetti supported Ms. Simmons' statement
85 and noted that the Planning Board would also hold public hearings on the 40R Bylaw in the
86 future.

87
88 Mr. Trapilo brought up his concerns with the letters submitted by Mr. Grant and Ms. Fidalgo to
89 the Select Board and in turn, addressed the conflict of interest claims raised against himself and
90 other members of the Planning Board. He also praised the consultants for their presentation to
91 the Select Board and requested that members of the Planning Board work together to support
92 the passage of the 40R Bylaw legislation.

93
94 Mr. Grant responded to the points, focusing on his issues with the reintroduction of the
95 Waterfront area to the 40R Bylaw and the concerns raised by Town Meeting Members at the
96 May 4, 2024 Town Meeting on attempting to pass legislation in the absence of a Town Planner.
97 He raised his concerns with the process as a way to have the issues addressed and corrected
98 going forward to better ensure passage of the 40R Bylaw.

99
100 Mr. daSilva addressed the conflict of interest claimed raised against himself and Mr. Carr as
101 property owners within the proposed 40R Waterfront area. He also wanted the Planning Board
102 to work together and with local residents and business owners to find ways to encourage
103 housing development and economic growth.

104
105 Mr. Grant clarified that he made no claims of a conflict of interest issues, but brought up his
106 concerns with the possible appearance of such issues as a hindrance to the passage of the 40R
107 bylaw.

108
109 Ms. Simmons requested that Mr. Grant and other members address their concerns via
110 discussions with Board Members and the Chair before making public statements. She
111 reiterated that anyone with concerns on the 40R Bylaw adoption process should watch the
112 June 24, 2024, Select Board meeting.

113
114 Mr. Grant responded that it was the responsibility of the Town to inform residents and provide
115 updated information, and in this instance, the information was not posted to the Town website
116 until June 5, 2024, for the Select Board's June 10, 2024, Public Hearing on the 40R Bylaw. He
117 also reiterated the concerns raised regarding the absences of a Town Planner.

118
119 Ms. Melanson stated that Article 20 of the May 5, 2024, Annual Town Meeting had been
120 written by prior Town Planner, Paul DiGiuseppe and any issues regarding the presentation
121 were not the fault of the Board. She covered her previous and current time spent assisting the
122 Town's department of Planning and Economic Development during the interim periods
123 between Town Planners. She then outlined that the Planning Board would be a part of the 40R
124 process alongside the reasons behind the re-introduction of the Waterfront Area.

125
126 Mr. Grant reiterated and discussed his continued concerns regarding the possibility of passing
127 any bylaw legislation in the absence of a Town Planner.

128
129 **Mr. Grant left the meeting at 7:22 PM.**

130 There was a discussion outlining that the 40R Bylaw consultants would be presenting the Bylaw
131 at any future public hearings and at Town Meeting and that the Planning Board would be
132 participating in that process as dictated by State guidelines. Members once again encouraged
133 support for the 40R Bylaw and communication between the Board.
134

135 Ms. Melanson brought forth her own concerns with Mr. Grant's letter and his statements made
136 during the Planning Board and Annual Town Meetings of May 4, 2024. She raised her concerns
137 with letters and social media posts made by Ms. Fidalgo. She then noted that the Planning
138 Board would be holding a Public Hearing on the 40R bylaw in the near future.
139

140 At the request of Mr. Carr, a clip was played of the February 15, 2024 Economic Development
141 Committee wherein, Mr. DiGiuseppe outlined the re-introduction of the Waterfront area to
142 that Committee. Due to technical difficulties, the clip had to be played twice as the first time
143 there was an issue regarding the sound being captured for the recording. During the interim
144 period, Mr. Trapilo requested an update regarding the search for a new Town Planner and Ms.
145 Melanson stated that there were no updates.
146

147 Mr. Carr addressed concerns raised in Mr. Grant and Ms. Fidalgo's letters to the Select Board
148 regarding the re-introduction of the Waterfront area to the 40R Bylaw. Mr. Carr also had his
149 own concerns regarding communication between the Economic Development Committee and
150 the Select Board. He assured that he and Mr. daSilva were in compliance regarding addressing
151 possible conflicts of interest.
152

153 Mr. Carr also brought up his concerns with Mr. Grant's statements and actions at the Planning
154 Board and Annual Town Meetings of May 5, 2024, as well as Mr. Grant and Ms. Fidalgo's
155 communications with past Planning Board Chair, Wayne Hayward. He also had concerns with
156 the reporting on the 40R Bylaw adoption process by the Fairhaven Neighborhood News. In
157 relation to his business, he showed a letter received from the State Ethics Commission as part
158 of his compliance with conflict of interest procedures.
159

160 Mr. Carr then explained the differences between a vote of no-confidence and a motion to
161 censure. He wanted the Board to go on record with their dissatisfaction regarding Ms. Fidalgo
162 and Mr. Grant's actions and statements via a motion to censure.
163

164 **Mr. Carr made a motion to censure Jessica Fidalgo and Kevin Grant and was seconded by Mr.**
165 **Trapilo.**
166

167 Ms. Simmons inquired as to the consequences of the motion. Mr. Carr stated that the motion
168 should not be considered a reprimand but would record that the Board felt that there was
169 misconduct done by the two named members, in any state or fashion, whether it was
170 intentional or not. The Board would need to work together with each other and the consultants
171 to work towards a successful adoption of the 40R. Should there be any further misconduct, the
172 Board could then investigate the possibility of recalls or Board members could support new
173 candidates when Ms. Fidalgo or Mr. Grant next were up for reelection.
174

175 Ms. Melanson brought up her own issues with statements made by Ms. Fidalgo and Mr. Grant
176 and her assurances that the Board should be working towards the betterment of the Town.
177

178 **The motion passed unanimously via voice vote (6-0).**

179

180 Mr. Carr assured Ms. Fidalgo and Mr. Grant that the other members of the Board still wished to
181 work together with them going forward.

182

183 f) **Review and Discuss Town Meeting Articles outcome**

184 This item was not explicitly discussed.

185

186 **4. OTHER BUSINESS:**

187 a) **Master Plan Discussion – Goal setting**

188 This item was not taken up for discussion as Ms. Melanson wanted to have all members
189 present for the discussion.

190

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

193 Ms. Melanson mentioned a tentative plan to have the Planning Board hold a public hearing
194 with the 40R Bylaw consultants, with August 6, 2024, mentioned as the tentative date.

195 Recording Secretary Fidalgo noted the scheduling conflict with the planned Zoning Board of
196 Appeals meeting for August 6, 2024 given that Mr. Carr and Mr. daSilva served on both Boards.

197

198 Ms. Melanson reminded members to review the Social Media and Conflict of Interest sections
199 of the Boards and Committee Handbooks.

200

201 Ms. Simmons requested that Board Members join in person rather than via Zoom if possible.

202

203 Ms. Melanson noted that she had already received Ms. Fidalgo's Master Plan Goal Setting
204 recommendations as part of a longer email sent in lieu of her absence for this meeting. The
205 email is included with these minutes. *[See Attachment B.]*

206

207 **5. NEXT MEETING: Tuesday, July 23, 2024.**

208 Ms. Melanson adjourned the meeting at 8:02 PM

209

210 Respectfully submitted,

211 Stephanie A. Fidalgo

212 Recording Secretary,

213 Planning Board

214

Approved, July 23, 2024

**JOHN J. MEDEIROS
538 DANA FARMS
FAIRHAVEN, MA 02719
TEL. 508-990-0000**

June 7 2024

Town of Fairhaven
Planning Board
40 Center Street
Fairhaven, MA 02719

Attention: All Planning Board Members

Subject: Building at 350 Main Street, Fairhaven, MA

Dear Planning Board Members:

In order to address several issues regarding Planning Board Special Permits for the subject building, attached for your convenient reference is a copy of a May 21, 2024 letter that I received from Fairhaven Building Commissioner Joel Reed. Commissioner Reed's letter is in response to my May 13, 2024 letter addressed to him, a copy of which I had provided to your board and have also attached hereto; attachments to that letter include my April 13, 2024 letter to your board and an April 18, 2024 email that I received from your board's Recording Secretary.

I request that all Planning Board members be provided with all aforementioned correspondence in order to address three issues at the next board meeting, since information regarding the issues is contained within the first two of five numbered items in Commissioner Reed's letter and the first three of six numbered items in my May 13, 2024 letter. Issues involve location of a dumpster in a parking lot and compliance with a site plan, whether SP 21-01 might have become void in July 2023, and how best to ensure compliance with conditions of special permits.

It is easiest to address the issue regarding the dumpster location as Commissioner Reed described in Item 2 of his letter by indicating that the Planning Board must approve it and notify his office to carry through to compliance. However, as I have discussed with Commissioner Reed and former Commissioner Basset, the revised site plan dated March 4, 2024 that shows the proposed dumpster pad relocated to the Northeast corner of the property is in conflict with the original plan dated July 8, 2021. Please note the following:

- ❖ Where the July 2021 plan shows three lengths of concrete to be removed, the 2024 plan indicates "old concrete to remain" in areas that would affect all seven parking spaces along the west side of the property and two parking spaces along the North side of the property. Such a retention of a concrete masonry stub wall would result in the elimination of nine of the 20 parking spaces that were originally proposed.
- ❖ Condition 4 of both Special Permits SP 21-01 and SP 23-07 both state that site development shall be carried out in accordance with the July 8, 2021 plan for special permit. Also note that Condition 3 of SP 23-07 is identical to Condition 21 of SP 21-01 whereby the Special Permit approval "shall be void" unless substantial use or construction has begun.

Since applicability of both special permits is contingent upon proper execution of an approved site plan, and board member Lucas's request for an amended site plan as described on Pages 4 and 5 of the meeting minutes from the October 10, 2023 Planning Board meeting would help ensure appropriate documentation, it is incumbent upon the board to now ensure that the amended site plan is in proper order. It is important that board members recognize the relevance of the parking and the site plan as an important basis for each of the special permits even though Chair Melanson "noted that the parking lot was not under consideration for this permit" during the October 10, 2023 meeting regarding SP 23-07.

In regards to the second of three issues listed above about whether approval of Special Permit SP 21-01 might have become void, I first refer to Item 1 of Commissioner Reed's May 21, 2024 letter. While the Commissioner stated that the parking lot has been substantially constructed as of his May 20, 2024 site visit, the question still remains whether approval of SP 21-01 automatically voided as of July 2023 when two years had elapsed and construction

had not yet begun. I had asked this question in Item 3 of my May 13, 2024 letter and had summarized in Item 1 that much documentation existed to indicate that parking and site plan issues were unresolved.

As indicated in the third paragraph within Item 1 of my May 13, 2024 letter, several board members had discussed various considerations regarding unresolved issues. As stated on Page 2 of meeting minutes from the June 20, 2023 Planning Board meeting, Mr. Braga had concerns regarding a breach of terms in the special permit; Ms. Fidalgo was concerned about a two year time-frame and asked about granting an extension; Mr. Braga outlined his further concerns regarding unfulfilled conditions; Mr. Carr wished to allow the property owner to ask for an extension before requiring him to reapply; and I had further questions regarding enforcement of Planning Board decisions.

Since the meeting minutes and video recording of the June 2023 Planning Board meeting would clearly indicate that much remained unresolved and construction had not begun, it appears that Condition 21 of SP 21-01 would automatically void the special permit approval as of July 2023 when two years had elapsed. And since there is no documentation to countermand such voided approval, the question obtains whether the approval remains void. As such, I request that the Planning Board confer with Town legal counsel in order to determine existing conditions and to determine how best to remediate the situation.

Accordingly, the third of the three issues would be to request that the board determine how to most appropriately handle such situations going forward. Perhaps legal counsel might advise that a permit extension such as discussed by Ms. Fidalgo and Mr. Carr might be appropriate in some cases; perhaps such an extension might have to be filed with the Registry of Deeds just as the special permit is; perhaps counsel might advise that reapplication is required. Regardless of the specific approach, I request that your objective should be the resolution of unresolved issues and the appropriate documentation thereof.

Such an objective would best protect the residents of buildings such as the subject building, as well as the property owner and the taxpayers of the Town of Fairhaven. While not wanting to sound like an alarmist, many of us have heard of horrific incidents regarding insurance claims such as: an insurance company might reject a casualty claim for injury because permits and related paperwork are not properly documented; a property owner might then deny liability by showing that he did everything a town told him to do; a building resident might then sue the town for not ensuring that everything is done properly. How expensive might that become if a young person is disabled for life and might require compensatory payments for medical expenses as well as loss of income for life.

Regardless of such scenarios, I request that the three issues described herein be addressed by the Planning Board as soon as possible. Please notify me of which meeting agenda will include these issues for resolution and please note that I stand ready to address any questions or comments you may have regarding the information herein.

Sincerely,



John J. Medeiros

Hand Delivered
c.c. Building Commissioner Joel Reed



Town of Fairhaven
Commonwealth of Massachusetts

Building Department
40 Centre Street, Fairhaven, MA 02719
Phone 508 979-4023

May 21, 2024

To: John J. Medeiros
538 Dana Farms
Fairhaven MA.02719

From: Joel S. Reed, Building Commissioner

RE: 350 Main Street
Fairhaven MA.02719

Dear Sir,

I have review your letter dated May 13, 2024 of concerns, comments and questions, and find that most of your questions concern other departments and boards. That being said, below are my answers to your questions that directly involve this department;

- 1. Regarding the Special Permit, "is it still valid" my answer to that question is, yes. After a site visit on May 20, 2024, I find that the parking lot has been substantially constructed and therefore in compliance with the special permit.*
- 2. The change in the dumpster location in the parking lot is something that the Planning Board needs to address and once approved, the Board would notify this office to follow through to compliance with the change in plan.*
- 3. Building Code and Fire Code compliance has nothing to do with the special permit issued with by the Planning Board. To the best of my knowledge the building is in compliance with all applicable Building Codes at this time.*
- 4. The Temporary Certificate of Occupancy that was issued because a handrail wasn't installed was closed on 01-31-2023 after completion of the work. The original Certificate of Occupancy is in still effect and any future alterations would fall under that Certificate of Occupancy until all alterations have been completed and then a new Certificate of Completion will be issued.*
- 5. To the best of my knowledge, I find no Building Code or Zoning violations at this time, and this department looks forward to bringing this project to successful completion for the betterment of the town.*

Please feel free to call me with any additional questions.

Sincerely,

Joel S. Reed C.B.O

*Fairhaven Building Commissioner &
Zoning Enforcer Officer*

**JOHN J. MEDEIROS
538 DANA FARMS
FAIRHAVEN, MA 02719
TEL. 508-990-0000**

May 13, 2024

Town of Fairhaven
Building Department
40 Center Street
Fairhaven, MA 02719

Attention: Joel Reed, Building Commissioner

Subject: Building at 350 Main Street, Fairhaven, MA

Dear Commissioner Reed:

Having recently been denied my written request to be placed on the agenda for the April 23, 2024 Planning Board meeting regarding the subject building, I submit herein several questions for both the Planning Board as well as the Building Department. Since some questions might most appropriately be addressed by either the Planning Board or the Building Department separately instead of collaboratively, I will accordingly provide a copy of this correspondence to the Planning Board.

Attached for your convenient reference is a copy of my April 13, 2024 letter addressed to Planning Board Chair Cathy Melanson as well as a second page that is the April 18, 2024 email response to my letter that was provided to me by Stephanie Fidalgo. I believe that you have all other relevant documentation such as applications, plans and building permits and that you have access to Planning Board documents such as Public Meeting Agendas, Meeting Minutes and Special Permits.

As such, my questions and related comments are as follows:

1. It is very disconcerting that the email describes Ms. Melanson having brought my letter to an April 17TH discussion she had with Town Administrator Angie Lopes Ellison, after which she "instructed Ms. Fidalgo that Mr. Medeiros is not to be added to the agenda as the matter with the Deane Street parking lot was considered to be resolved."

I ask how either Ms. Ellison or Ms. Melanson could determine that the matter was resolved since there does not appear to be any documentation indicating such. Conversely, documentation indicating that it remains unresolved exists in Planning Board Meeting Minutes from June 20, 2023 and July 18, 2023 as well as on October 10, 2023 when Special Permit SP 23-07 was addressed.

Please note that former Building Commissioner Randy Basset and I discussed various issues regarding Special Permit SP 21-01 in June 2023, as did Planning Board members Braga, Fidalgo, Carr, Lucas, and Chair Melanson. Considerations included the disposition of a dumpster, whether the property owner might purchase an adjacent property, and whether SP 21-01 would lapse in accordance with the requirement of Condition 21 that it be void after two years.

Please also note that Town Administrator Ellison suggested that Ms. Melanson entertain a motion to table this discussion until the July 18, 2023 meeting. At that time when Planning Board member Fidalgo asked if there were any updates from the Building Commissioner regarding the parking lot, Chair Melanson said the "situation remained the same as the Board's last discussion" and no further discussion entailed.

Please especially note that when Planning Board member Lucas asked about the parking lot and dumpster during the October 10, 2023 meeting regarding SP 23-07, Chair Melanson "noted that the parking lot was not under consideration for this permit" but still invited Building Commissioner Basset to speak. When I similarly discussed the parking lot and whether the new dumpster location changed the number of parking

spaces, Chair Melanson stated that the focus of the hearing was on the change of use for the theater space. Board member Fidalgo's forwarded questions were then read and member Carr continued discussing the parking lot issues that he suggested should be addressed, after which Building Commissioner Bassett promised to work with the property owner during the permitting process to do so.

2. As a second part of Question 1 above, why would either Ms. Ellison or Ms. Melanson independently make any kind of determination regarding what planning board business is considered to be resolved? Such work is exclusively within the purview of the Planning Board members as a whole to consider such business and to accordingly vote as a whole board to make such determination.
3. One question remaining is whether SP 21-01 would lapse in accordance with requirements of Condition 21 that it be void after two years. Is such determination contingent upon some of the work to be performed by the Building Commissioner, since SP 21-01 repeatedly states that "The planning board finds that the safety and fire codes will be administered by the Building Commissioner" (ref. Pages 3 and 4)?
4. Similarly, are building permits or other similar paperwork lapsed or otherwise void or nullified if various conditions and requirements of the Special Permit SP 21-01 are not satisfied? Please note that "Mr. Bassett explained that he would not issue a certificate of occupancy or close the permit until everything was satisfied" (ref. Page 2 of the June 20, 2023 Planning Board Meeting Minutes).
5. Will the temporary certificate of occupancy that was issued either lapse or nullify due to the time that has elapsed since its issuance or for any other reason? If the temporary CO or other similar paperwork is so affected, what will the process be going forward for existing tenants and future tenants?
6. While there are other questions regarding how parking and other issues might affect the subject building as well as the neighborhood, I hold them in abeyance in hopes that they might more efficiently be addressed during the upcoming public meetings. But I note in passing that there appear to be several troubling issues regarding the Open Meeting Law (MGL ch. 30A and 940 CMR 29.00).

In addition to what was noted above, please note that the bottom of Page 2 of the Planning Board Meeting Minutes for June 20, 2023 indicates that Town Administrator Ellison stated that, in accordance with Open Meeting Law, the board is only able to speak and act on items specifically listed in the agenda. But Board member Braga countered by stating "the Board could still receive comments" and I note that the agenda page for each of these public meetings contains a category entitled **OTHER BUSINESS**. I hope going forward that all town boards operate in accordance with all Open Meeting Law requirements such as only the boards making determinations that are within their purview; the public must be allowed to address issues such as parking that are germane to a subject issue without a board chair advising them not to; and all public officials conducting such board meetings or otherwise participating in such meetings should be aware of Open Meeting Law requirements.

Please contact me with any questions, comments or responses you may have regarding the information herein.

Sincerely,



John J. Medeiros

Hand Delivered
c.c. Members of the Planning Board

L051324JJM-Fhv

John J. Medeiros

538 Dana Farms
Fairhaven, MA 02719
Phone: 508.990.0000

► **Planning Board of Fairhaven**
Attn: Cathy Melanson

40 Center Street
Fairhaven, MA 02719
Phone: 508.979.4082

Madam Chair,

At the June 20th 2023 Planning Board Meeting, Ms. Melanson suggested to John J. Medeiros that he continue to communicate his concerns with the planning board and the building commissioner about the parking lot located on Deane Street in Fairhaven associated with the former Bijou Theater.

I am requesting to be placed on the agenda for the April 23rd 2024 Planning Board Meeting to discuss the lack of action taken upon this matter.

Sincerely,
John J. Medeiros


John J. Medeiros

04/13/2024

From: Stephanie Fidalgo <sfidalgo@fairhaven-ma.gov>
To: johnj.medeiros@yahoo.com
Sent: Thursday, April 18, 2024 at 11:12:22 AM EDT
Subject: Regarding the April 23, 2024 Planning Board Agenda

John,

As requested, here is the summary of what I told you:

On the morning of Wednesday, April 17, 2024, Steph Fidalgo presented the letter written by John Medeiros requesting to be added to the April 23, 2024 Planning Board agenda to Madame Chair, Cathy Melanson. Ms. Melanson received the letter and then brought it with her as part of wider discussion she had scheduled with Town Administrator, Angie Lopes Ellison. After the discussion, Ms. Melanson then instructed Ms. Fidalgo that Mr. Medeiros was not to be added to the agenda as the matter with the Deane Street parking lot was considered to be resolved.

- As summarized by Steph Fidalgo, April 18, 2024

- Steph Fidalgo

*Recording Secretary and Administrative Assistant for the:
Fairhaven Planning Board, Community Preservation Committee,
Economic Development Committee, Cable Advisory Committee,
and Zoning Board of Appeals*

*Town of Fairhaven
40 Center Street
Fairhaven, MA 02719
508-979-4023 ext. 8123
She / Her / Hërs*



Steph Fidalgo <recordingsecretary@fairhaven-ma.gov>

Planning Board Digital Meeting Packet for June 25, 2024

Jessica Wilder <jessica.wilder13@yahoo.com>
To: Stephanie Fidalgo <sfidalgo@fairhaven-ma.gov>

Tue, Jun 25, 2024 at 3:46 PM

Hi Steph, Cathy,

Sorry for the late email, but Alice is still sick, and wants her Mom. I am exhausted and would not be bringing my "best" self to the meeting tonight, as my mind will be elsewhere. Here are the things I would have said in person according to the agenda, at least what I had currently thought of. I will watch the meeting at some point before our next meeting to be up to date on what was discussed. I hope everyone else stays well.

Correspondence: If I remember correctly, we are not having discussions about the correspondence section as discussed with the OML complaints. If that is correct, there is nothing for me to say. If we are discussing then I would say to rectify the SP Plans and what was discussed with past Building Inspectors and the developer to what is currently there, he should send in a new plan for the Planning Department & Board to have on file so there is no conflicting information to what is on the Land and what was signed and approved prior, clean house keeping if you will.

Starbucks: Jeff Furtado has approved the changes, so I believe it is ok. Only question is whether a peer review is needed or recommended by Jeffrey Furtado with these changes.

ADU: Glad to see this continued, both the house and senate have both passed housing bills affirmatively for ADU's so the future need of Special Permits may not be needed once signed into law (I think once the Governor signs, I could be wrong).

Master Plan: It is good to see where the Town and the Planning Board have addressed some of the areas in the Master Plan, including the Rezone of part of Main St in North Fairhaven to Mixed Use and the continued work with BBC and the FALPT. While I believe housing will top most of our lists, I am happy with the efforts put forth to address ADUs and the potential 40R overlay district, I look forward to following through on these projects, and will do my best to ensure that when we arrive at town meeting we are all on the same page and in agreement on the floor. I hope that we will have another planner on staff for the future Town Meetings as I worry about public trust in the board and its abilities without the support of a staff person. We have not started taking actions to earn that trust with trainings, transparency and full discussions in meetings amongst the board. I do believe trust will be built the more we engage in the Planning Board's and Zoning matters in meetings, publicly, so the residents can hear our questions and concerns, and get the answers by simply listening to a meeting.

Goals for me in no particular Order in the implementation section:

1. Land-Use:

Goal 3: Promote neighborhood commercial nodes and small local businesses.

****3-1, 3-2 (completed), 3-3

2. Housing:

Goal 1: Keep future residential development in or near existing residential areas to maintain the village character.

*** A Lot of this section has not been achieved, although we are working towards it. I would be remiss if I didn't state that the infill our existing developed areas and Selectboard, who is the Implementation Partner on many, have included Housing initiatives on their goal setting including 2-2 for an inclusionary zoning bylaw. This would be a great initiative for us to have a goal as well so we can work in tandem with the Selectboard on it, and can look at grants for consultants together as well. An important issue to us all, where we all want to see improvements, is housing. Together as a team we can build more support and be sure we are all educated well on the topic at hand.

3. Not listed under the implementation, but something we should consider from Issues and Opportunities:

Modernizing the Zoning Bylaw: "In addition, the large number of variances issued by the Zoning Board of Appeals may be an indicator that the current zoning does not meet or reflect today's development needs of the broader neighborhoods throughout the Town, particularly some of the older neighborhoods on West Island. The Town should explore effective zoning changes to address these problems." I would say looking at a consultant who could spend the time to address the need of variances not only on West Island but the Sconticut Neck area should be prioritized. The ZBA can not address the Zoning change for the need they are seeing regularly, but the Planning Board can.

Bonus Goal:

4. Encouraging the BPW and supporting efforts to achieve goals under the Transportation Goals when PB is a partner.

- a. Goal 1. Become a bicycle and pedestrian friendly community by expanding existing bicycle and pedestrian facilities.**
- b. Improve Town-wide traffic flow and safety.**

-Jess Fidalgo
She/her
[Quoted text hidden]