



FAIRHAVEN TOWN CLERK
RCUD 2024 OCT 4 AM 10:41

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

MEETING MINUTES

Tuesday, September 10, 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 6:35 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, Patrick Carr, Sharon Simmons, Ruy daSilva, Diane Tomassetti, and Rick Trapilo in Town Hall.

Zoom: Jessica Fidalgo and Conservation Agent Bruce Webb

Absent: Kevin Grant.

Recording Secretary Stephanie Fidalgo and Building Commissioner Rick Forand were present in Town Hall.

c) **Correspondence:**

There was no general correspondence for this meeting.

d) **Board Elections:**

a. **Harbor Master Plan Steering Committee Appointee**

The Town was working on a new Harbor Master Plan alongside New Bedford and a Planning Board was required to sit on the Committee. Ms. Melanson recommended Mr. Trapilo serve as the representative, given his personal interest and advocacy on the issue.

Ms. Melanson made a motion to appoint Rick Trapilo to the Buzzards Bay Water Quality Working Group and was seconded by Ms. Simmons.

Mr. Carr inquired about the Committee, and Ms. Melanson confirmed that it would be working on drafting the new Harbor Master Plan.

The motion passed unanimously via roll call vote. (7-0)

Ms. Tomassetti had also considered the appointment and would offer her recommendations to Mr. Trapilo.

2. **UPCOMING REVIEWS:**

- a. **Zoning Bylaw Change Public Hearing:** Recommendation for Town Meeting to amend Chapter 198-16, 198-18, 198-27, 198-32.1, and 198-33 to conform to “An Act Relative to the Affordable Homes Act” (Ho. H4977, Acts 2024, Chapter 150, Approved by the Governor, August 6, 2024) and the proposed changes therein to MGL Chapter 40A Section 1A and Chapter 40A Section 3 with regard to accessory dwelling units, *public hearing on September 24, 2024*

Ms. Melanson informed the Board that there was not going to be a public hearing on an amendment to Chapter 198.

3. **OTHER BUSINESS:**

a. **Proposed Zoning Bylaw Changes**

- i. **Review of the draft of the proposed changes to Chapter 198-16, 198-18, 198-27, 198-32.1, and 198-33 with regard to accessory dwelling units.**

Continuing on the previous point, Ms. Melanson explained that she, Mr. Carr, and members of the staff – Conservation Agent Bruce Webb, Building Commissioner Rick Forand, and Recording Secretary Stephanie Fidalgo – had attended a webinar hosted by the Massachusetts Chapter of the American Planning Association alongside the Executive Office of Housing and Livable Communities (EOHLC). The webinar was to inform municipalities on how to handle the new updates to MGL Chapter 40A regarding accessory dwelling units that had been approved under the “Affordable Homes Act.”

There had been a recommendation made at the webinar that municipalities could wait for their annual spring Town Meetings to propose changes to their local bylaws.

Ms. Melanson noted that the changes to MGL Chapter 40A Section 1A made in Section 7 of the Affordable Homes Act which updated the definition for Accessory Dwelling Units went into effect immediately. The changes to MGL Chapter 40A Section 3 made in Section 8 of the Affordable Homes Act would go into effect on February 2, 2025. That section went into greater detail regarding the permitting and regulation of Accessory Dwelling Units

The webinar presenters – Chris Kluchman, Director of the Livable Communities Division of the EOHLC; Amy Kwesell, Esq., from K-P Law and Town Counsel to several municipalities; Jenny Gingras, Westborough Town Planner; and Barbara J. Saint Andre, Medway Director of Community and Economic Development – emphasized that the purpose of the changes was to encourage the creation of accessory dwelling units as a low-impact way to increase housing stock.

Mr. Carr explained that presenters assured that the EOHLC would be offering guidelines to municipalities to help with crafting local bylaws. Ms. Melanson also pointed out that the changes to MGL Chapter 40A would require that Accessory Dwelling Units be allowed by right

in single-family districts and that any changes to Fairhaven's Bylaws would have to reflect this requirement.

Mr. Forand spoke to the Board. He was planning to research the changes as he would be reviewing applications for accessory dwelling permit applications and wanted to be a part of the process of crafting the updates to Chapter 198.

The Board also welcomed Mr. Forand to the Town as the new Building Commissioner.

b. SRPEDD (Southeastern Regional Planning & Economic Development District) Update from Planning Board Rep. Rick Trapilo

Mr. Trapilo's update first covered the SRPEDD Finance Committee meeting of August 21st to update the financial documents. He noted that the average charge to a Town for consultant work was \$50 an hour, and he recommended making use of their expertise as needed. He planned to present the final document to the Board in the next month or two.

Mr. Trapilo had also attended a meeting on water issues that morning with representatives from several Towns in attendance. He informed the members of the work underway to upgrade Fairhaven's wastewater treatment plant. There were also concerns raised about creating a plan and finding funding for improvements to the local power grid.

Mr. Trapilo had also begun an archive of articles and studies related to local water quality. He was very concerned about the issues with the slow progress on New Bedford's mitigation plan.

Mr. Carr brought up his concerns with New Bedford not being in full compliance with The Clean Water Act and other environmental protection legislation. Mr. Trapilo outlined the issues with New Bedford's single pipe system and recommended researching the work currently being done in Narragansett, RI to build a new holding tank as a possible solution for Buzzards Bay as well. Mr. Carr supported the possibility of a two-pipe system, and Mr. Trapilo assured that SRPEDD was investigating finding either state or federal funds for improvements to the pipe systems.

Mr. Carr inquired if there were any avenues for those affected economically by the pollution to seek recompense, with Mr. Trapilo answering that there were not.

c. Town Meeting Committee Update from Planning Board Rep. Sharon Simmons

Ms. Simmons noted that the meetings were currently focused on brainstorming solutions. The last meeting had a large focus on improvements to the readability and accessibility of the Warrant Book, with a possible solution being to have an abridged companion guide to accompany the Warrant Book.

Another concern was the lower attendance at Special Town Meetings given that they were often held on Tuesday nights, whereas annual Town Meetings were held on Saturdays.

The Committee would also like to seek ways to make the Town Meetings to be more accessible, including holding a meeting at the Hasting Middle School auditorium to cover possible logistical changes. One suggestion was to have mobile mics available so that speakers would not be required to stand for long periods of time.

Mr. Carr brought up his concerns with Town Meeting attendance, particularly members leaving early. Ms. Simmons had recommended making Town Meeting attendance required for members and for the members to remain for the entire Meeting. There were also concerns about precinct meetings only being required for the Annual Town Meeting. Ms. Melanson voiced her concerns about how a quorum was achieved for Town Meetings. There were also questions and comments about procedural regulations for Town Meetings.

d. Economic Development Committee Update from Planning Board Rep. Pat Carr

Mr. Carr covered the After Hours Business Event of August 15, 2024, including the attendance of Chris Vasconcelos of Harborside Rope Works and his recent feature on Chronicle. He welcomed more business owners, particularly newer business owners, to attend future After Hours Business Events. Ms. Melanson also noted that the Traveler's Alehouse would be featured on The Phantom Gourmet in the future.

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

Ms. Melanson informed the Board about the Food Truck Flavor Fest, planned for September 20, 2024, from 5 PM to 8 PM. The event would feature approximately 15 food trucks, a beer garden, live music and an under the stars showing of the documentary, "The History of the Castle on the Hill." Digital signs around Town would be used to advertise the event in addition to the Town's social media channels. Ms. Melanson also welcomed Board members to attend the ribbon cutting for Marisol's Café on the morning of September 11, 2024.

4. NEXT MEETING: Tuesday, September 24, 2024

Ms. Melanson adjourned the meeting at 7:21 PM.

Respectfully submitted,

Stephanie A. Fidalgo, Recording Secretary, Planning Board

- Approved, September 24, 2024