

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

**MEETING MINUTES**

**Tuesday, September 24, 2024, at 5:30 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 5:36 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, Ruy daSilva, Diane Tomassetti, and Rick Trapilo in Town Hall.

**Arrived during the meeting:** Patrick Carr

**Zoom:** None

**Absent:** Kevin Grant and Jessica Fidalgo

Recording Secretary Stephanie Fidalgo and Conservation Agent Bruce Webb were present in Town Hall.

Secretary's Note: For these minutes, as Ms. Jessica Fidalgo was absent for the meeting, Recording Secretary Stephanie Fidalgo will be referred to as "Ms. Fidalgo" for the sake of brevity.

c) **Minutes: September 4, 2024 and September 10, 2024, drafts to be reviewed:**  
Ms. Tomassetti made a motion to accept the minutes of September 4, 2024 and September 10, 2024, and was seconded by Mr. Trapilo. The motion passed unanimously. (5-0)

d) **Correspondence:**

Mr. Trapilo had submitted correspondence for this meeting but wished to read it during his update to the Board.

**2. RECEIPT OF PLANS:**

a. **FA 24-09 19 Huttleston Avenue:** Form A proposal to revise the property line between 19 Huttleston Avenue (Map 12 Lot 199) and 21 Huttleston Avenue (Map 12 Lot 200) to be 3.33 ft. to the west and to merge Parcel A (214.2 ± sq. ft.) with Lot 200, submitted by Arthur M. Costa.

39 The Form A proposal would straighten out the lot line between the two properties. Mr. Arthur  
40 Costa spoke to the Board to confirm the purpose of the Form A proposal and thank them for  
41 taking it under consideration.

42  
43 Ms. Tomassetti inquired if adjusting the lot line would ensure that the garage at 21 Huttleston  
44 Avenue would no longer have any portion of the building other than the roof on 19 Huttleston  
45 Avenue, which Mr. Costa confirmed. Mr. Costa also confirmed that this agreement had been  
46 reached through the help of the attorneys of both property owners.

47  
48 There was a brief discussion if a simple majority of the Board was sufficient for voting to  
49 approve a Form A proposal, which it was.

50  
51 **Ms. Tomassetti made a motion to approve FA 24-09 19 Huttleston Avenue and was seconded**  
52 **by Mr. Trapilo. The motion passed unanimously. (5-0)**

53  
54 Mr. Carr arrived at the meeting at 5:40 PM.

- 55  
56 b. **FA 24-10 Starboard Drive:** Form A proposal to reconfigure lots created by the previously  
57 approved "Definitive Subdivision Plan of a Development to be Known as Starboard Estates of  
58 Sconticut Neck Road in Fairhaven, MA Prepared for Starboard Drive Nominee Trust" to divide  
59 Subdivision Lot #6 (Map 42 Lot 9M) into a 63,065 ± sq. ft. residential lot and a new 38,474 ± sq.  
60 ft. Association Beach Lot and to revise the property line between Subdivision Lot #6 and  
61 Subdivision Lot #7 (Map 42 Lot 9N), a 75,890 ± sq. ft. residential lot, submitted by the Starboard  
62 Drive Nominee Trust.

63  
64 Mr. David Davignon of Schneider, Davignon & Leone, Inc. spoke on behalf of the applicant. He  
65 handed out two site plans to the Board to allow them to compare the originally approved  
66 subdivision and the Form A proposal.

67  
68 The main purpose of the Form A proposal was to divide Lot #6 (Map 42, Lot 9M) into two  
69 parcels – one would remain as a house lot and the other would be a non-buildable lot that  
70 would provide private beach access to members of the Home Owner's Association of the  
71 Starboard Estates subdivision. The Form A proposal also included a minor lot line revision  
72 between Lot #6 and Lot #7 (Map 42, Lot 9N).

73  
74 Mr. daSilva had Mr. Davignon confirm that no structures would be built on the beach access lot.  
75 Ms. Tomassetti and Ms. Simmons spoke in favor of the changes. Mr. Trapilo inquired about the  
76 septic system parcel noted on the plans and Mr. Davignon outlined the history of the  
77 subdivision and the use of community septic tanks. When asked about any plans to eventually  
78 tie into Town sewer, Mr. Davignon noted that there were no current plans, but that may change  
79 if the West Island plant was eventually updated.

81 Mr. Trapilo made a motion to approve FA 24-10 Starboard Drive and was seconded by Ms.  
82 Tomasetti. The motion passed unanimously. (6-0)  
83

84 **3. REVIEWS/DISCUSSION:**

85 **a. Proposed Zoning Bylaw Changes**

86 **i. Review of the draft of the proposed changes to Chapter 198-16, 198-17, 198-18, 198-**  
87 **22, 198-27, 198-32.1, and 198-33 with regard to accessory dwelling units.**  
88

89 Two versions of the bylaw draft were presented to the Board – one which quoted the  
90 current bylaw followed by proposed changes and the second being a redline version.  
91 *[The redline version is included as Attachment A].* Ms. Melanson noted that Ms.  
92 Fidalgo had compiled the draft of the proposed changes with the guidance of the  
93 Executive Office of Housing and Livable Communities and Town Counsel.  
94

95 Ms. Melanson explained that while there had previously been plans made to wait to  
96 amend the bylaw until the May Annual Town Meeting, Town Counsel insisted that the  
97 changes should be proposed for the November Special Town Meeting in order to  
98 avoid legal complications for not being in compliance with the proposed changes to  
99 MGL Chapter 40A, Sections 1A and 3.  
100

101 Section 7 of the “An Act Relative to the Affordable Homes Act” (Ho. H4977, Acts 2024,  
102 Chapter 150, Approved by the Governor, August 6, 2024) which amended MGL  
103 Chapter 40A, Section 1A, had already gone into effect. Section 8 of the Act would  
104 amend MGL Chapter 40A, Section 3 as of February 2, 2025.  
105

106 Ms. Tomasetti supported the amendments to the bylaw. It was noted that while  
107 there would be restrictions on the short-term rental of accessory dwelling units,  
108 owner occupancy of the principle residence or accessory dwelling unit was not  
109 required and the units could be rented out on a longer term basis.  
110

111 Ms. Fidalgo made a presentation to the Board regarding a change to the bylaw draft  
112 that she wanted the Board’s input on. The change would be the removal of minimum  
113 lot size requirements of 198-32.1 A, which had been a provision from the proposed  
114 accessory dwelling unit bylaw amendment at the May 4, 2024 Annual Town Meeting.  
115

116 However, during the drafting of this bylaw amendment, the Planning Department  
117 determined that including a minimum lot size restriction would not be in line with the  
118 amendment to MGL Chapter 40A, Section 3, which stated that accessory dwelling  
119 units had to be subject to “reasonable regulations.” The law outlined several  
120 reasonable regulations including setbacks, height, and building bulk. Building bulk in  
121 Fairhaven was judged by way of the percentages of lot and building coverage.  
122

The updated version of 198-32.1.D (5) included a provision that “Both attached and detached accessory dwelling units shall be subject to the maximum lot and building coverage restrictions of the zoning district, pursuant to §198-18.”

Ms. Fidalgo then presented her report regarding the research done to determine how many of the Town’s 5,297 single family lots (3,763 lots in the RA district, 1,534 lots in the RR district) would qualify to have an accessory dwelling unit under different proposed restrictions. [See Attachment B]. The proposed restrictions around building coverage would allow for roughly 87% of single family lots (91% in the RA district, 76% in the RR district) to consider an accessory dwelling unit conversion within their existing structures (attic, basement, or garage) and 68% of single family lots (74% in the RA district, 54% in the RR district) to consider adding an accessory dwelling unit via either an addition to the existing structure or as a detached unit.

She noted that given how the allowable size of accessory dwelling units would be calculated, only 20% of all single family lots could accommodate the maximum 900 sq. ft. accessory dwelling unit, with the average size allowed being between 600 – 650 sq. ft. Within the allowed square footage, the unit would need to be fully inclusive of sleep, cooking, and sanitary needs and would have to meet the State’s Fire and Building Codes.

Additionally, the calculations presented utilized a simplified version of building coverage that compared the footprints of the principle homes to the lot size. As such, other features of the lot were not taken into consideration such as garages or drive-ways, which would raise the lot and building coverage percentages and further restrict the creation of accessory dwelling units.

Ms. Fidalgo continued, noting that calculations had been run on specific neighborhoods in Town and that the results showed heavier restrictions in the denser and less conforming neighborhoods. Conversely, more conforming neighborhoods would have a higher percentage of lots that would be allowed to investigate the possibility of creating an accessory dwelling unit.

In summary, the Planning Department found that having the lot size restrictions in place would fail to meet the reasonable regulation requirements outlined in the amended version of Chapter 40A Section 3, and that instead focusing on meeting lot and building coverage requirements would provide a sufficient amount of regulation while not being unreasonable.

Ms. Fidalgo noted that she would be amending the draft during this meeting to reflect any changes that the Board wanted to make. She then presented an additional edit to the draft which had been recommended by Town Counsel. The current draft of 198-

165 32.1.D (3) stated “No detached accessory dwelling unit shall lie closer than ten feet to  
166 any lot line or structure and shall not be built over an easement” and more specific  
167 language had been requested. Building Commissioner Rick Forand had recommended  
168 adding the language “drainage or utility easements.”  
169

170 Mr. Trapilo inquired about the amendment Section 198-27 Parking; loading and  
171 landscaping requirements to add “Section 198-27.B.(1)(e) Accessory Dwelling Units:  
172 One space. No additional parking spaces shall be required for an accessory dwelling  
173 located not more than 0.5 miles from a commuter rail station, subway station, ferry  
174 terminal, or bus station.” The only bus station in Fairhaven was Bloom Bus Station and  
175 the Town was not close enough to any of the ferries or proposed rail stations in New  
176 Bedford for those to be factored in.  
177

178 At Mr. daSilva’s questions regarding Short Term Rentals, Ms. Fidalgo noted that there  
179 were already prohibitions on short term rentals in Chapter 190 of the Town Bylaws  
180 and 198-16 Use Regulation Schedule would be amended to explicitly reflect the  
181 Town’s short term rental bylaw. There was a side conversation regarding the  
182 registering and enforcement of short term rentals within the Town.  
183

184 Ms. Simmons inquired about the lot size minimum requirements, and Ms. Fidalgo  
185 gave a brief over the timeline of changes to the lot size requirements over the past  
186 100 years as they became increasingly restrictive. This resulted in increasing  
187 percentages of non-conforming lots throughout the Town.  
188

189 Conservation Agent Bruce Webb reiterated that the bylaw amendment had been  
190 drafted by Ms. Fidalgo under guidance from information from the Executive Office of  
191 Housing and Livable Communities and Town Counsel. Additionally, given the  
192 information gathered regarding how utilizing lot and building coverage as restrictions,  
193 Mr. Webb considered the proposed changes to be sufficient to meet the State’s  
194 guidelines on reasonable regulations and would protect the Town from legal  
195 complications if the bylaw was not updated before February 2, 2025.  
196

197 While awaiting the start of the Public Hearing, Ms. Fidalgo gave a quick presentation  
198 of how different neighborhoods would be affected by the change in regulations,  
199 comparing areas such as the center of Town, around Fairhaven High School, along  
200 Sconticut Neck, in East Fairhaven, and on West Island.  
201

#### 202 **4. PUBLIC HEARINGS (Starting at 6:30 PM):**

- 203 a. **Zoning Bylaw Change Public Hearing:** Recommendation for Town Meeting to amend Chapter  
204 198-16, 198-17, 198-18, 198-22, 198-27, 198-32.1, and 198-33 to conform to “An Act Relative to  
205 the Affordable Homes Act” (Ho. H4977, Acts 2024, Chapter 150, Approved by the Governor,  
206 August 6, 2024) and the proposed changes therein to MGL Chapter 40A Section 1A and Chapter

207 40A Section 3 with regard to accessory dwelling units.

208  
209 Ms. Melanson summarized the previous discussion at the start of the public hearing and  
210 outlined the process to have the article presented at Town Meeting.

211  
212 Ms. Simmons inquired if the zoning would change once a single family home added an accessory  
213 dwelling unit. Ms. Fidalgo answered that while the zoning district would not change, there was  
214 the possibility of the lot's Land Use Code (LUC) changing. After explaining the basics of Land Use  
215 Codes, she noted that the Assessors would be control of any necessary changes to Land Use  
216 Codes.

217  
218 Ms. Michelle Costen of 54 Spring Street spoke to the Board. She first voiced her support of the  
219 reasonable creation of accessory dwelling units. Thereafter, she raised her concerns about  
220 short-term rentals, citing her issues with private equity companies and real estate investors  
221 buying up single family homes and operating them as a form of business. She shared several  
222 anecdotes with the Board and recommended a temporary ban on short-term rentals.

223  
224 Ms. Simmons inquired if Ms. Costen had forwarded any complaints to the Building  
225 Commissioner and she outlined her experience investing the issue. The Board and Mr. Webb  
226 recommended that Ms. Costen or any other concerned residents report complaints to the  
227 Building Commissioner. Ms. Costen also outlined her concerns with the affordability of local  
228 rent prices.

229  
230 As the Board was preparing to make a motion, Ms. Fidalgo assured that she would return the  
231 draft to Town Counsel for the final review before submission to the Select Board.

232  
233 **Ms. Tomassetti made a motion to approve the edited draft of the proposed amendments to**  
234 **Fairhaven Zoning Bylaw Chapter 198-16, 198-17, 198-18, 198-22, 198-27, 198-32.1, and 198-33**  
235 **along with any minor changes recommended by Town Counsel and was seconded by Mr.**  
236 **Trapilo.**

237  
238 Mr. Carr commented on the public comments regarding short-term rentals and noted that the  
239 State encouraged municipalities to review their zoning bylaws and make every effort to update  
240 their regulations to comply with the new law. He cautioned that there may still be some  
241 revisions necessary depending on how the Executive Office of Housing and Livable Communities  
242 issued updated guidelines, but he considered the proposed bylaw to be sufficient given the  
243 current information. Ms. Melanson agreed with his points.

244  
245 **The motion passed unanimously. (6-0)**  
246  
247  
248

249 **5. OTHER BUSINESS:**

250 **a. SRPEDD (Southeastern Regional Planning & Economic Development District) Update from**  
251 **Planning Board Rep. Rick Trapilo**

252  
253 Mr. Trapilo read a letter he had sent to Mayor Mitchel of New Bedford, dated September 18,  
254 2024, into the record. *[See Attachment C.]*

255  
256 He invited members of the Board to attend an event at the Kilburn Mills on September 25, 2024  
257 hosted by the New Bedford Light on addressing the environmental issues.

258  
259 **b. Town Meeting Committee Update from Planning Board Rep. Sharon Simmons**

260  
261 Ms. Simmons did not have any updates as of this meeting as the next meeting of the committee  
262 would be on October 9, 2024

263  
264 **c. Economic Development Committee Update from Planning Board Rep. Pat Carr**

265  
266 Mr. Carr informed the board that the Economic Development Committee would be holding their  
267 next After-Hours Business Event on November 21, 2024.

268  
269 Mr. Trapilo brought up that Hasbro of Rhode Island was currently looking for office and business  
270 space and suggested that the Town and the Economic Development Committee reach out to try  
271 to attract them to Fairhaven.

272  
273 Mr. Carr explained that the EDC was currently focused on smaller local businesses Town.

274  
275 **d. Any other business that may properly come before the Board, not reasonably anticipated**  
276 **when posting 48 hours prior to this meeting.**

277  
278 Ms. Melanson commented on the success of Fairhaven's Food Truck Flavor Fest despite the  
279 weather. The Board discussed on how the event could evolve in the future and hoped to see it  
280 continue.

281  
282 **6. NEXT MEETING: Tuesday, October 8, 2024**

283  
284 Ms. Melanson adjourned the meeting at 7:10 PM.

285  
286 Respectfully submitted,  
287 Stephanie A. Fidalgo,  
288 Recording Secretary,  
289 Planning Board

290 *Approved, October 8, 2024*



Fairhaven Zoning Bylaw Chapter 198 ADU Amendments – Redline Version  
November 19, 2024 Special Town Meeting  
Latest Version – 9/20/2024

**Article Text:**

To see if the Town will vote to amend Chapter 198-16, 198-17, 198-18, 198-22, 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.

Chapter 198-16, 198-17, 198-18, 198-22, 198-27, 198-32.1, and 198-33 must be amended 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 changes therein to MGL Chapter 40A Section 1A and Chapter 40A Section 3. Specifically, no zoning bylaw shall prohibit, unreasonably restrict, or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district. All amendments proposed reflect the changes to MGL Chapter 40A Section 1A and Chapter 40A Section 3 approved via “An Act Relative to the Affordable Homes Act.”

**Sections of 198 to be amended:**

**Section 198-16 Use Regulation Schedule**

<i>Activity or Use</i>	<i>RR &amp; RA</i>	<i>RB</i>	<i>RC</i>	<i>P</i>	<i>B</i>	<i>I</i>	<i>AG</i>	<i>MU</i> <sup>14</sup>	<i>WRP</i> <sup>16</sup>
Dwelling conversion (subject to the provisions § 198-32.1)	<b>AY</b>	A	A	N	A	A	A	A	A
Accessory apartment/inlaw apartment	<b>AY</b>	A	A	N	N	N	A	Y	Y
<b>Short term rental</b>	Y	Y	Y	N	N	N	Y	Y	N
<b>Short term rental of principal residence</b>									
<b>Short term rental of accessory dwelling unit</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

**Section 198-17 Intensity of use regulations**

**Section 198-17.D**

Not more than one single-family, semidetached or two-family dwelling shall be erected on a lot, **not including accessory dwelling units in accordance with this chapter**. Not more than one principal building other than the above shall be erected on a lot unless each such building is served by access and utilities determined by the Building Commissioner to be functionally equivalent to those otherwise required for separate lots. Two or more principal buildings on a single lot, if listed as uses on separate rows in § 198-16, must each meet the minimum dimensional requirements of this section without counting any lot area twice.

**Section 198-18 Intensity of Use Schedule**

Minimum Lot Requirements									
	RR	RA & RB	RC	P	B	I	AG	MU	WRP
Lot area (sq. ft.)	30,000	15,000 <sup>1</sup>	100,000 <sup>2</sup>	100,000	15,000	50,000	50,000	-- <sup>3</sup>	100,000

<sup>1</sup>Increase 50% for permitted semidetached and two-family dwellings **other than accessory dwelling units**.



Fairhaven Zoning Bylaw Chapter 198 ADU Amendments – Redline Version  
November 19, 2024 Special Town Meeting  
Latest Version – 9/20/2024  
Section 198-22 Accessory buildings and uses

Buildings and uses, which are customarily incidental and subordinate to the uses allowed as permitted uses in any zone are allowed as accessory buildings and uses, except as expressly restricted or prohibited in this chapter. Accessory buildings and uses are subject to the provisions of this section. **This section shall not apply to accessory dwelling units.**

**Section 198-27 Parking; loading and landscaping requirements**

**Section 198-27.B.(1) Parking Schedule. Residential.**

**Section 198-27.B.(1)(e) Accessory Dwelling Units: One space. No additional parking spaces shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station.**

**Section 198-32.1 Accessory Dwelling Units**

Purpose. For the purpose of promoting the development of affordable ~~rental~~ housing, ~~dwelling conversions may be allowed by special permit of the Planning Board subject to the standards and conditions listed below~~ the use of land or structures for accessory dwelling units and dwelling unit conversions may be allowed pursuant to §198-15 and §198-16 and subject to the standards and conditions listed below:

**198-32.1.A: The use of land or structures for accessory dwelling units and ~~dwelling unit~~ conversions shall not be allowed unless the lot meets the minimum lot size in § 198-18. ~~or 22,500 square feet, whichever is greater.~~**

**198-32.1.B: Accessory Dwelling Units ~~created through dwelling conversions~~ shall not be ~~less than 1,000 square feet, not including areas of the basement, attic or garage.~~ larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.**

**198-32.1.C: ~~The applicant shall illustrate to the Planning Board that the requirements of the State Building Code are met.~~ Accessory Dwelling Units shall not be used for Short-Term Rentals as defined in General Code §190-10.**

**198-32.1.D: The use of land or structures for accessory dwelling units and dwelling unit conversions shall be subject to the following dimensional requirements:**

- (1) No detached accessory dwelling unit shall exceed 20 feet in height, or be higher than the principle building, whichever is lower;**
- (2) No detached accessory dwelling unit shall be allowed in a required front yard or in the area between two lines drawn from the principle structure at its widest point to the lot frontage, and perpendicular to the frontage line of the lot;**
- (3) No detached accessory dwelling unit shall lie closer than ten feet to any lot line or structure and shall not be built over an easement;**
- (4) Attached accessory dwelling units shall be subject to the height and setback requirements of the zoning district, pursuant to §198-18;**



Fairhaven Zoning Bylaw Chapter 198 ADU Amendments – Redline Version

November 19, 2024 Special Town Meeting

Latest Version – 9/20/2024

**(5) Both attached and detached accessory dwelling units shall be subject to the maximum lot and building coverage restrictions of the zoning district, pursuant to §198-18;**

**198-32.1.D E:** Site requirements.

~~**(1) No expansion to the existing structure.**~~ The use of land or structures for an accessory dwelling unit under this section shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling.

(2) Parking shall be as provided for in § 198-27B(1).

~~**(3) No portion of the basement, attic or garage may be used for dwelling purposes.**~~

**(4 3)** Use of an existing on-site septic system to service proposed units shall be permitted only upon approval of the Board of Health.

**198-32.1.F: Special permits shall not be required for the use of land or structures for the creation or conversion of a single Accessory Dwelling Unit per lot in the Single Residence District or Rural Residence District. The required permitting for the creation or conversion of accessory dwelling units in all other Districts is subject to §198-15 and §198-16.**

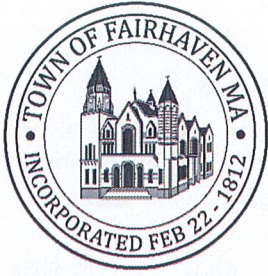
### 198-33 Definitions and word use

Section 198-33.B.

**Accessory Dwelling Unit** - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions set forth in §198. This definition also includes “Accessory Apartments” and/or “Inlaw Apartments” as such terms are used in this chapter.

**Nonfamily accommodations** - Boardinghouses, lodging houses, guesthouses, tourist homes, dormitories or similar accommodations. Accommodations shall be considered hotels or motels if having a sign in excess of two square feet or other departure from residential character or if having a specified term of residence of less than one week, except where there is a resident family on the premises and accommodations for fewer than 10 nonresidents. Accommodations having individual kitchen facilities (two or more of the following: stove, refrigerator, sink) shall be considered dwelling units. **Accessory dwelling units are excluded from this definition.**





TOWN OF FAIRHAVEN, MASSACHUSETTS

## Department of Planning and Economic Development

Town Hall · 40 Center Street · Fairhaven, MA 02719 · 508-979-4082

### Report Regarding Proposed Regulations on Accessory Dwelling Units

#### Determining lot size conformity

Calculations of lot size include all lots with lot size information. Lots without lot size information are removed from calculations. All land uses are included when counting both conforming and nonconforming lots, meaning that vacant and undeveloped lots are included as are uses beyond single-family housing. (For example, parks, religious buildings, and two family housing.)

#### Determining building coverage conformity

Building coverage is a bit harder to determine but for our purposes it is a comparison of "Finished Area" (Main Dwelling Footprint) to "Calculated Lot Area." (Lot Area) As the data cannot give us all the information regarding the full lot and building coverage of all lots, the numbers and percentages generated for ADU allowances are higher than what they will be in reality once properties are being evaluated on an individual basis.

Calculations for building coverage conformity are limited to existing single family housing lots (AKA any lot coded with the One Family Land Use Code) as they are the only ones that would qualify for the ADUs by right.

Two calculations were run – the first calculation is the existing building coverage. The second calculation includes the amount of building coverage added by an addition or detached maximum size ADU. Maximum ADU size for properties was calculated based on the Finished Area data – for a Finished Area of 1,800 sq. ft. or higher, the maximum ADU size was set at 900 sq. ft. and for Finished Areas below 1,800 sq. ft., the maximum ADU size was set at 1/2 the Finished Area.

The calculations have been performed to determine what would be "reasonable regulations" for ADUs, particularly given that the amendments to Chapter 40A Section 3 do not specifically list "lot size" as a metric for regulation.

#### The Creation of Reasonable Regulations

Several different regulations are possible. Below covers several different possible regulations, focused on single family homes. (Data is available for more lots, but for the purposes of this conversation, the focus is on single family homes.)

RA Number of Single Family Lots – 3,763  
RR Number of Single Family Lots – 1,534  
Total Number of Single Family Lots – 5,297

Regulation	# of Single Family RA Lots that Qualify	% of Single Family RA Lots that Qualify	# of Single Family RR Lots that Qualify	% of Single Family RR Lots that Qualify	Number of Single Family Lots	Percentage of Single Family Lots
Existing Lot Size Regulations (RA - 22,500 & RR - 30,000) Lots must meet minimum lot size requirements	357	9.49%	323	21.06%	680	12.84%
(RA - 15,000 & RR - 30,000) Lots under Maximum Building Coverage (Existing)	993	26.39%	323	21.06%	1,316	24.84%
(RA coverage 30%, RR coverage 15%)	3,420	90.88%	1,163	75.81%	4,583	86.52%
Lots cannot go over Maximum Building Coverage, coverage with an addition/detached ADU* (RA coverage: 30%, RR coverage 15%)	2,767	73.53%	830	54.11%	3,597	67.91%
Lots cannot go over Maximum Building Coverage even with an addition/detached max sized ADU* AND lots must meet minimum lot size requirements						
(RA coverage: 30%, RR coverage 15%) (RA - 15,000 sq ft, RR - 30,000 sq ft)	986	26.20%	321	20.93%	1,307	24.67%





Steph Fidalgo <recordingsecretary@fairhaven-ma.gov>

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## Fw: Support offer to City of New Bedford to address its CSO discharge into Buzzard Bay

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Richard Trapilo <rfttrapilo@yahoo.com>

Wed, Sep 18, 2024 at 1:36 PM

To: Cathy Melanson <planningboard@fairhaven-ma.gov>, A1crane Info <info@a1crane.com>, Stephanie Fidalgo <sfidalgo@fairhaven-ma.gov>, Keith Silvia <ksilvia@fairhaven-ma.gov>, Vincent Furtado <vfurtado@fairhaven-ma.gov>

Dear Mdm. Chair

The following is a correspondence sent to the Honorable Mayor Mitchel of New Bedford regarding their CSO's discharge into Buzzards Bay . Ms. Fidalgo please file for our committees legacy documents .

Best Regards

Rick

----- Forwarded Message -----

**From:** Richard Trapilo <rfttrapilo@yahoo.com>

**To:** silvia.Dasilva@newbedford-ma.gov <silvia.dasilva@newbedford-ma.gov>

**Sent:** Wednesday, September 18, 2024 at 01:25:42 PM EDT

**Subject:** Support offer to City of New Bedford to address its CSO discharge into Buzzard Bay

**Dear Mayor Mitchel,**

As the Mayor who has revitalized the City of New Bedford during your distinguished tenure, I am reaching out to seek your leadership in addressing a critical environmental issue: the outflow of raw sewage into Buzzards Bay.

New Bedford is a historical gem for our South Coast community, but our antiquated sewage system poses significant risks to our environment and public health. According to city data, approximately 600 million gallons of untreated waste were discharged into the Bay in 2023 alone. This year, for the first time, the Harbor swim was canceled due to water pollution, and shellfish beds continue to be closed.

I urge you to consider a proactive approach inspired by the Narragansett Bay Commission (NBC). Their initiatives have successfully reduced nitrogen waste by over 50% and are constructing tunnels to manage stormwater overflow effectively. These strategies align with your commitment to climate resiliency and could serve as a model for New Bedford.

Additionally, I would like to draw your attention to a timely opportunity for funding. The EPA is offering 150 large community-driven grants, ranging from \$10 to \$20 million, specifically aimed at projects that benefit disadvantaged communities by reducing pollution. The application deadline for the Environmental and Climate Justice Community Change Grant is November 21. More information can be obtained at [ENVIRO@SRPEDD](mailto:ENVIRO@SRPEDD).

I am committed to collaborating with local committees that can support this initiative and would be happy to provide any further information or assistance. Together with all the communities impacted along the South Coast , and with your leadership we can secure a healthier future for New Bedford and its surrounding communities.

Thank you for your attention to this urgent matter.

Sincerely,

Rick Trapilo

Fairhaven's Chair designee to SRPEDD

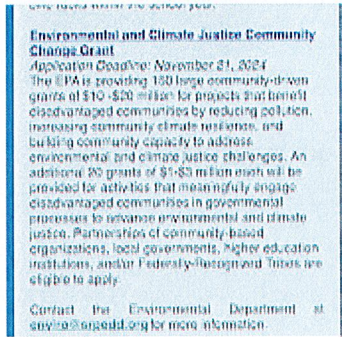
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3 attachments

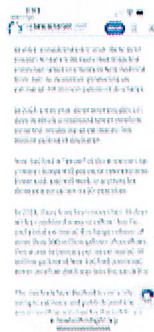




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