



TOWN OF FAIRHAVEN, MASSACHUSETTS
Planning Board
Town Hall - 40 Center Street - Fairhaven, MA 02719

Meeting Minutes
Tuesday, November 12, 2024
at 6:30PM Held both at Town Hall
& Remotely via Zoom

1. GENERAL BUSINESS:

a. Chair's Welcome and Media Notification:

Madam Chair Cathy Melanson opened the meeting at 6:30pm. Ms. Melanson read the open meeting law and zoom protocol announcement.

b. Quorum/ Attendance:

Present: Cathy Melanson, Richard Trapilo, Diane Tomassetti, Patrick Carr, Jessica Fidalgo. Ruy DaSilva arrived at approximately 6:03

Zoom: Kevin Grant was present on zoom.

Absent: Sharon Simmons.

Land Use & Planning Director Bruce Webb were present in Town Hall.

c. Minutes: October 8, 2024, draft to be reviewed.

Motion to approve minutes for October 8, 2024 made by Ms. Tomassetti, and seconded by Mr. Trapilo. Motion passed unanimously (7-0).

d. Chair's statement on the October 28, 2024 vote to recommend 40R- Fairhaven Smart Growth Overlay District (FSGOD) process:

Ms. Melanson stated that the vote was taken properly, the motion did pass, and is not void. Ms. Melanson then read an opinion from Town Counsel Heather White, Esq., "At the conclusion of the Planning Board meeting, (during) the Planning Board public hearing on October 28th, 2024, the board voted a motion to recommend adoption of the 40R zoning amendment, four (4) members in favor, two (2) members opposed. The Planning Board will report that vote to town meeting. A quorum of the board is required in order to take any action, and a majority of that quorum is needed in order to take favorable action, therefore, this was a valid vote, and to recommend adoption of the amendment".

e. 40R – Coffee and Conversations:

Ms. Melanson gave a short update on the most recent "Coffee and Conversations" and the final two upcoming "Coffee and

Conversations" prior to special town meeting.

f. Correspondence:

- i) Ms. Melanson gave a summary of the state response to Mr. Robert Esendola's Open Meeting Complaint as being closed.
- ii) Ms. Melanson gave a summary of the state response to Ms. Eleanor Chew's Open Meeting Complaint as being closed.
- iii) Ms. Melanson referred to Mr. Esendola's letter regarding ongoing Open Meeting Law training, and shared that if we can do additional trainings in 2025 we will do so. Mr. Esendola spoke asked about budget funds available for training, Ms. Melanson responded that funds were not currently available. Mr. Webb spoke about the current status of board members required Open Meeting Law trainings, and that anyone not currently in compliance was notified of the need to revisit the state training. Mr. Patrick Carr asked about the current status of Planning Board members and Open Meeting Training compliance. Mr. Webb said that the information would be sent out to the board.

2. REVIEWS/ DISCUSSION:

a. Special Town Meeting:

Mr. Webb gave an update first on the sharing of staff packets and other meeting documents prior to the meeting. Mr. Webb also gave an update on the taking of meeting minutes for future meetings.

Mr. Webb then gave an update on the submission of the 40R draft bylaw for the special town meeting warrant article, detailing the change in the maximum height for each 40R district.

Mr. Carr and Mr. Ruy DaSilva recused themselves prior to the discussion of the 40R draft bylaw.

Mr. Webb also gave a summary of the proposed Accessory Dwelling Units (ADU) bylaw and the reasonable restrictions which are contained in the bylaw.

Ms. Melanson and Ms. Jessica Fidalgo commented on the changes to the maximum height of the 40R district. Ms. Melanson and Ms. Diane Tomassetti discussed the economics and implications of 40R approval on future 40B developments. Ms. Fidalgo addressed tax rates for mixed use developments.

Mr. Carr addressed the reasonable restrictions and how they were put together and the state's role in doing so. Ms. Melanson addressed what the implications of failing to pass the ADU bylaw would be for the town. Ms. Tomassetti, Mr. Richard Trapilo, and Ms. Fidalgo also voiced their support for the ADU bylaw.

3. NEXT MEETINGS:

a. Regular Business:

The next meeting is scheduled for Tuesday, December 10, 2024 at 6:30pm.

Meeting adjourned at 7:14pm.

Respectfully Submitted,
Bruce Webb

Minutes approved at board meeting 3/11/2025