



# Economic Development Committee

Town Hall · 40 Center Street · Fairhaven, MA 02719

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TOWN CLERK

MEETING MINUTES

2021 AUG 20 P 3:01

PLACE OF MEETING: Town Hall for Members and remotely via Zoom for the Public  
DATE AND TIME: Thursday June 17, 2021 at 6:30PM  
MEETING TYPE: Economic Development Committee

## 1. Quorum & Attendance

Mr. McLaughlin called the meeting to order and advised with six of the committee members in attendance there is a quorum.

In attendance: Bob Espindola and Cathy Melanson via zoom, with Jessica Fidalgo, Bernie Roderick, Eddie Lopez and Kevin McLaughlin in person.

Mr. Paul Foley, Director of Planning and Economic Development was also in attendance.

## 2. Review and Approve minutes of April 22, 2021 meeting

Four members present tonight were in attendance at the April 22, 2021 meeting.

Motion to accept the minutes of April 22, 2021 made by Cathy Melanson, seconded by Bob Espindola, no further discussion or questions about the minutes, vote 5 in favor with 1 abstention from Bernie Roderick.

## 3. Appointments to EDC

Mr. McLaughlin referred to his email from about two months ago regarding interest in serving on the committee again. Mr. McLaughlin said all showed interested in staying on with the exception of Mr. Todd MacGregor who said he is not able to continue. This creates an opening on the EDC and Mr. McLaughlin asked Mr. Espindola if this would go back to the Select Board to come up with another member.

Mr. Espindola said that the Select Board had reached out to see who was interested and did appoint everyone who expressed interest at that time. There is a place on the website that lists openings on boards and committees, this one would be on there too and anyone with interest can submit a letter of interest and the Select Board can appoint them at any point during the year. At this time all who expressed interest has been appointed.

Mr. McLaughlin asked is this was first meeting of the new fiscal year requiring new terms for officers. Mr. Espindola said once appointments are made the next meeting is typically a reorganization of the committee to establish a chairperson, etc. So that would be at this meeting.

Mr. McLaughlin said there would need to be a number of appointments such as Chair, Co-Chair (or Vice Chair). He also asked if there would be a recording secretary. Mr. Foley advised that there is usually a clerk to verify a quorum. A recording secretary is hired that handles the minutes.

Ms. Melanson asked if Mr. McLaughlin would like to be the Chair. Mr. McLaughlin said he had

accepted last year and although he said that would be his last year he is still interested in being a part of this committee and being Chair if no one else is but is open to someone else being Chair if they desired the position. Ms. Melanson said she would like to be Co-Chair if Mr. McLaughlin continued as Chair and if he did not want to continue as the Chair, she would like to be the Chair with Mr. McLaughlin as the Co-Chair.

Mr. Espindola said he liked the idea of continuity on the board, Mr. McLaughlin has done a nice job and where he expressed that he would continue he would like to make a motion. Mr. Espindola made a motion to appoint Kevin McLaughlin as Chair and Cathy Melanson as Vice Chair. Mr. Roderick asked what the difference was between a Vice Chair and a Co-Chair. Discussion was had on Co-Chair not being as clear understanding where Vice Chair would be if the Chair was not.

Motion to appoint Mr. McLaughlin as Chair and Ms. Melanson as Vice Chair made by Mr. Espindola and seconded by Mr. Lopez, no further discussion, vote, all in favor, motion carries unanimously.

**4. Appoint EDC Representative to The Lagoa Committee other committee appointments.**

Mr. McLaughlin referred to an email from Vicki Oliveira and asked Mr. Lopez if he was the representative on that committee last year. Mr. Lopez said he was however there were no meetings last year.

Mr. Espindola wanted to add some background. He concurred there were no meetings last year and there has been an outreach from the sister city in Lagoa, they have a major anniversary he believes is 250 years so they are trying to establish a relationship with the Town of Fairhaven on that basis. There should be meetings this year.

Mr. Roderick asked (jokingly) if there would be any trips to Portugal for this celebration. Mr. McLaughlin said he was not sure on that. Mr. Roderick made a motion to appoint Mr. Lopez to the Lagoa Committee, seconded by Ms. Fidalgo, no further discussion on the item with the vote all in favor and the motion carries unanimously.

Mr. McLaughlin asked if there was a member of this board on the Internet Committee. Mr. Espindola said that was Ms. Melanson. Mr. McLaughlin asked if that committee was continuing. Mr. Espindola said that it would because the Town Meeting voted for the Municipal Light Article so there will be an effort for outreach and an RFP for cost, etc. and it would be nice to have EDC represented on this.

Mr. McLaughlin asked for motion. Mr. Espindola made the motion to appoint Cathy Melanson, seconded by Ms. Fidalgo, no further discussion, vote, all in favor, motion carries unanimously.

Mr. Foley said that there was a suggestion last year to have EDC representation on Capital Planning Committee and he felt both the Planning Board and EDC should be represented. Not sure if we would make an appointment or ask that committee. Mr. McLaughlin asked Mr. Espindola to speak on this and whether the Select Board would consider that.

Mr. Espindola said the Select Board does and that the Town Administrator is responsible for that committee so may need to be something where the mission would have to be changed. He thinks it

is written in the By-Laws or at least on the website what the mission of that committee is and what they do. Would involve a conscious decision to make that change. Discussion should be that committee sends something to the EDC. If there is interest from EDC to have representation this committee he can make that recommendation.

Ms. Melanson wanted to make note that she is on the Capital Planning Committee so technically you could consider her as EDC representation. Mr. McLaughlin asked how she was appointed. Ms. Melanson said as a business owner in the town. Mr. Espindola said one of the categories of membership is a business person in the community. Mr. McLaughlin asked if there were any "At-Large" members.

Mr. Espindola said they would need to review. Ms. Melanson said she thought that the Town Administrator was not a voting member, no one votes technically. She said they listen to the different department needs and categorize them and list them. It's a five year plan. They rank it and put it into a system that then gives a list ranked with criteria such as whether it is mandatory, is it Federal Law. Maybe we can get that so that people can see it is not haphazardly done.

Mr. Espindola said there is a Construction Representative, Mr. Stephen Hickox, the School Representative is Dr. Baldwin, Selectmen Representative is Dan Freitas, Cathy Melanson is the Business Representative, Town Administrator is vacant, Open Space Representative is David Faunce and Finance Director is Wendy Graves so she fills two roles right now. If there is an interest in making a formal recommendation for EDC representation that is where we would be and the other one Mr. Foley mentioned (Planning Board).

Mr. McLaughlin asked where the Open Space Representative comes from where there is no Open Space Committee. He feels it makes sense that even with Ms. Melanson a representative as a private person that maybe there is economic or planning representation. Ms. Melanson suggested possibly Mr. Foley be a part. Mr. Espindola said the Select Board can discuss and if that is the recommendation, that there is representation from Planning and Economic Development Department then we vote to make that recommendation formally and send the recommendation to the Select Board.

Mr. Foley said he would be willing to be there to listen but he is not a citizen of Fairhaven and therefore should not have a vote. Ms. Melanson said previously Mr. Roth was there "At-Large" and not voting. Mr. Espindola said maybe it was an advisory. Mr. Foley said he would be willing to be staff support. Ms. Melanson said she would make a motion to have Mr. Foley present at the meetings, not voting, not to agree or disagree with a project

Mr. Espindola said it's an advisory committee to the Town Administrator who advises the Select Board when it comes to Capital Planning budget. If not actively voting he would be participating in the meeting and providing input then, it still carries weight, whether voting member or not you are providing input.

Mr. Roderick added that the idea of someone from EDC to be on Capital Planning, it would be more inclusive, give an understanding of larger picture down the line. He felt EDC should get it to the Select Board agenda coming up and ask them to appoint a voting member from this committee.

Mr. Espindola said it typically comes in reverse. The EDC would vote to appoint someone, like with Lagoa. Mr. McLaughlin said it seems this committee wants representation on the Capital Planning Committee so we need a motion made to have Select Board consider adding a member to the Capital Planning Committee.

Mr. McLaughlin made a motion to have Select Board consider an appointment from the EDC on Capital Planning Committee, seconded, no further discussion, vote, all in favor, motion carries unanimously.

Mr. McLaughlin said he will leave it up the Planning Board to do similar if they decide they want to pursue it, Mr. Foley can advocate for that. Mr. Lopez added he feels strongly that there should be at least one member on that board that focuses solely on the economic development impact of certain decisions and implications. Whereas current members may not be considering some economic development opportunities or impacts with the decisions that come across them. Mr. Espindola also agreed.

**5. Notification to property owners of zoning and Conservation bylaw amendments.**

Mr. McLaughlin said he added this item to the agenda. Basically as a resident and business owner he has had to go in front of committees in town for various things he has wanted to do, whether it is the Planning Board, Board of Appeals, Conservation Commission, Select Board or whoever. When he needs to present in front of then he has to notify people who are considered abutters and not sure what the exact definition of an abutter is but it requires that he notify all these people and he understands why because he is doing something that needs to be reviewed by one of the committees in town and he gets that. What he does not understand is something that came up recently with an item in front of the Conservation Commission as it relates to these "setbacks" that the Conservation Commission has put in place which, in his opinion, is essentially a land taking for anyone who has property that is in a resource area.

Mr. McLaughlin continued that typically people think conservation is about the waterfront. It is not, it is resource areas where this town has a lot of wet areas. What ends up happening is no one really knows what is going on with a fairly major piece of By-law that the Conservation Commission put through and the only way that you can find out about it is if you happen to hear or you happen to be watching the Town website or zoom conferences, go to the Conservation Commission or study their minutes. They say they have to post it in a publication which happens to be the Neighborhood News which he personally does not understand why people, individuals, business owners have to notify everyone but when the Town wants to change zoning or a By-law they do not have to notify the people affected.

Mr. Lopez asked if he was referring to the 25-feet and Mr. McLaughlin said yes, the first 25' in the buffer zone to a wetlands. He said he found out about it after the fact, he said there was a public hearing about it. He did petition the Conservation Commission to re-open that meeting so others could get a chance to speak, not sure all were able to speak or not given enough time to explain their position. He thinks there has to be a vehicle with all the technology that is available for someone whose property is in that resource area to be made aware of this. Someone may go to do something and be told they cannot build within 25-feet of the wetlands.

Mr. Lopez asked if this was something that this committee could make a motion on. This is something that could have a huge economic impact on this town and most business owners do not know about this. From his understanding of the By-law there is already something for within 100-feet that they have to ask permission. What this By-law states is if within 25-feet, don't even ask. If we have these strip malls and a lot is within a buffer zone, are we telling these businesses that if they want to expand and they fall within 24-feet of a wetland or resource area that we are not going to entertain that and that means potentially millions of dollars in development, jobs, taxes.

Mr. McLaughlin said he has property that is already developed within that 25-foot buffer zone. Mr. Foley said he believed that is exempt and Mr. McLaughlin said it's at the discretion of the Conservation Commission. There is Chapter 91, several rules already in place to deal with the resource areas. The Town has decided to make it more difficult to do anything within that 100-foot area and also nothing can happen within that 25-feet. They made the change at the last minute, he made his case and was told they made the change to the By-law on the website the day before. They did not tell anyone they made the change and that certain things might be exempt at the discretion of the commission. He does not want to argue what the by-law is or isn't, the point is you hear about open processes and open meetings and transparency. This is about the most un-transparent thing where you have essentially taken people's properties in town and said sorry, you cannot develop that within 25-feet. What about a deck, want to extend the deck to enjoy the property, now you cannot.

Mr. Espindola pointed out there are a few things at play here. One is notification and the other one is what would be helpful would be to invite the Conservation Agent to come to the next EDC meeting and explain the process that took place leading up to the town meeting. Another thought that came to mind, he sat in a conservation meeting some time ago, he had an interest in and he remembered a couple who came to the meeting expressed concern that they did not realize where the wetlands boundary was on their property and did not realize they were doing something they should not be doing. At the time he asked the Conservation Agent if there could be a mapping system where they could look on the Town website and clearly identify whether their property was in that area. Also, that there could be a mailing established, maybe with tax bills that goes to everyone that borders conservation areas.

Mr. Espindola said it was being worked on and not sure of the status of mapping electronically available to people to check their own property. Mr. Lopez said there is something available, if you go to Fairhaven GIS. Mr. Espindola said he knows about the GIS but he was looking for a way for people to be notified about their specific property as a one time and if sale of property the new owner would get notified in some way so people have an awareness of what is around them.

Mr. Espindola said as far as notification about any By-law change, some impact every single person in the community potentially, for example the plastic bags, it would be cost prohibitive to have to notify 15,000 people about every article. One thing that could happen is the Town has the system people can log onto and subscribe to notifications like BPW, School, whatever. The Town pays annually for that phone system. One of the things could be to add for By-law notifications so the Town would let people know if there was something going on for Planning Board or Zoning Board, someone would plug in what is being discussed and then anyone subscribed would be notified.

Mr. McLaughlin said he is talking about property. So, a committee or board when they take and change zoning without telling someone or when they try and pass a by-law that takes an existing property and makes it non-conforming use without informing that land owner that the board is going to take their property and turn it into a non-conforming use. He feels those are far reaching, plastic bags are not the same.

Mr. Espindola said he understands and it is that you have to draw the line as to what you notify every single person about and if there is a wetlands delineation that in this case would define who you have to notify. An abutter is defined as someone who is within three hundred feet of the property line. Mr. McLaughlin said then why is the onus on the property owner, the cost on the property owner to send green cards out by registered mail at a cost each, why do the property owners have to and the Town does not have to.

Ms. Melanson asked if he meant "you" as property owner wanting to do something. Mr. McLaughlin said any property owner has to go before a board because of something they want to do and there is a requirement in the by-law, for example Chapter 91, so if have to go to Conservation Commission first and through their process and notify the abutters.

Ms. Melanson addressed Mr. Foley and asked if he could speak on this because as far as she has been a Planning Board member they have never been sneaky about anything, they have had their people notified and have had public hearings on everything. Mr. Foley said there are legal requirements outlining who they have to send out notice to and advertise twice in a local paper. To notify everyone in Town independently about every public hearing or article would be time and cost prohibitive.

Mr. McLaughlin said this is about informing people who are going to be affected by these changes. At the same time feels it is incumbent on the Town to notify the residents that can be impacted by things, if it is something significant. A zoning thing that is going to change your property is significant. A change in a By-law that says you cannot develop a portion of your property that you pay taxes on to the Town is significant. It should be incumbent on the Town to make sure people know what is going on. Unfortunately the notification system is through the Neighborhood News.

Mr. Espindola said one thought on how to solve this is an actual By-law that requires notification for the items you are talking about. So you actually petition for an article, get a certain number of votes, write the article for what it needs to read and petition, certain number of votes and submit to the Town for the next Town Meeting. This is one way to ensure it would be codified that way for what you are requesting be considered.

Mr. McLaughlin said he understands that is a way to do it. He feels it is the responsibility of the Town to inform taxpayers and residents that we are making these changes and they are significant changes. Mr. Espindola said right now there is nothing that requires the Town to do that and if he wants to make sure it is required, not sure how typical this is in other municipalities or communities with similar activities taking place. Could ask through the Mass Municipal Association, often times the Town Administrator is looking for comparative scenarios they would look to their network and find out what other communities are doing.

Mr. McLaughlin said regardless of how other communities approach it, it is a good idea. He is speaking personally and as a member of the committee he does not know how that could be changed or at what level of government. Who would we go to and say let's look at this, how does this happen, maybe it's not feasible, don't know.

Mr. Foley explained that for all Planning Board by-law changes there are legal requirements for a public notification and advertisement which includes placing a legal advertisement in the classifieds of the Fairhaven Neighborhood News. They also have to notify surrounding communities, the DHCD and Regional Planning Agency. We could probably do better about getting the word out if a proposed change will affect a lot of properties, but it would not work for the Town to send a certified letter to 1,000 properties. We generally advertise in the Neighborhood News and people read it. Maybe for things that are wide ranging we should have an article in the paper that we are doing this or that which we did for Complete Streets. We had an article to try and get people to provide input. We had a number of new or amended by-laws up there and each one had public hearings, usually more than one, with advertisements and notice. For the short term rentals we had 4 public hearings. We try to make it open, cannot expect everyone to go to every meeting.

Mr. McLaughlin said he is saying the process could be done better. Back to the same thing, burden of notification is put on the applicant whether that is Conservation or Planning to notify people. Mr. Foley pointed out those are state regulations we have to follow. Mr. McLaughlin said he understands that and it is a good idea, people should know what is going on. They get notification if he wants to do something at his house and if it is in a resource area he has to tell all his neighbors. Kind of strange that he has to tell all his neighbors what he is doing but the Town doesn't.

Ms. Fidalgo pointed out there are about four different ways to get notified. Mr. Foley said public hearings are advertised. Ms. Fidalgo said it is on the Town Hall, notice board, in the Neighborhood News, on the Town website and if you are a Town Meeting Member you get the packet, so that is four ways. Mr. McLaughlin said for a by-law amendment to an existing by-law doesn't have to go to Town Meeting. Mr. Lopez asked to speak specifically to the by-law under discussion.

Discussion between committee members on whether this was a Town By-law or a regulation. Mr. McLaughlin said it's a regulation they decided to change not any by-law. Mr. Lopez asked who determines whether or not a change like that should perhaps go to another committee for opinion. This particular regulation change or by-law whatever it is, not sure the committee knows how big of an impact that will happen or has already happened. He pointed to what Mr. McLaughlin said about existing land owners impacted and maybe they considered that but not sure they have fully considered the future property owners. Mr. Lopez said as a property owner in town, he can see how this is definitely going to impact commercial properties and commercial clients that are coming into this town to redevelop a property or a big box store that falls within a resource area. What we are telling those people with something like this is it is not very inviting. They already have to ask permission to do this so why are we essentially abusing that power further with you've got to ask within 100-feet and if within 25-feet don't even bother.

Mr. Espindola said he knows when this was reviewed there was some state level guidance and he is not an expert on this and if this specific thing concerns us that we invite the Conservation Agent to

come in and explain what led to this and what the process was like. To the question of who decides that there is no overall single document that says what every single board and committee in town does to cross reference who does what. Maybe that is something that should be developed. Maybe something that says conservation, before anything decisions on regulations are made they should go through this checklist and planning should go through this checklist.

Mr. Lopez said there is a specific property in town that Mr. Foley is probably aware of. The owners are from out of town, from New York. They have a very big property in town that abuts a resource area and they have expressed interest in either expanding or following suit with zoning changes that we all know are coming that we are trying to do. They are open to the idea of developing it in the future to include mixed-use. That property does fall into the 100-foot buffer zone. His concern is that property owners like this are not going to bother trying and he does not understand what was wrong with the process the prior way, no matter what they will need to ask permission. Mr. Foley said that is why he is trying to raise the density in the plaza area so that we can build up in already developed areas rather than push closer to the remaining fringe of the wetland resource areas.

Mr. Espindola said we could discuss at length and he is not able to answer the question. He understands the point of view on this and we really should get the people who were involved in this to answer the questions and to get to the overall concern that seems to be about notification and about cross checking of different committee and boards. For that, submit something to the Town Administrator that this committee is interested in seeing some type of matrix that describes how things are reviewed internally, cross reviewed before they become finalized. That may be an exercise and he does not know who would lead that effort other than the Town Administrator. On a number of boards and committees you have a town staff representative like Mr. Foley representing here and on Planning and Whitney McClees is the Conservation Agent and the Building Commissioner is involved in some. He is guessing it would involve a group of staff members getting together and looking at putting some type of document together that looks at how anything that is going to be a by-law change or a regulation change gets the word out. Then you have Board of Health issues so it is a complex question to answer.

Mr. Lopez made a motion to invite the Conservation Agent to one of the EDC meetings to further explain where the 25-feet came up and why. Seconded by Ms. Melanson, no further discussion on the motion, vote, all in favor, motion carries unanimously. Mr. McLaughlin asked Mr. Foley to reach out to the Conservation Agent to attend the next meeting. He agreed.

Mr. McLaughlin thanked everyone for the time. The Town and some committees may not want input because they have decided on the direction they want to go but it is always good to get input from the people it is going to effect. At the end of the day if you are looking to do something why not reach out to them so they can be part of the process and we end up with better rules. More people who can look at things differently. If someone wants to add a garden behind their house and someone has a beef with this neighbor and calls the Conservation Commission on them and next thing you know you get a nasty gram from the Town.

Mr. Foley added that on the Planning Board you have to do what is legal, all by-laws are advertised. Perhaps we could get the word out more through a newspaper article in the news. Mr. McLaughlin said he is not talking about legally, when they made the rules on notifying and public hearings this pre-dates all current communication capabilities and now still using the same means to



communicate. I get calls from the Town all the time, I don't have kids in school. The town must have my email, send a blast email out.

Mr. Espindola said that you have to subscribe to something like that and there is a system, the Town cannot be asking all for their email all the time. Mr. McLaughlin said if everyone gets a tax bill, add a note that advises, there is a new system in town for notification if there is some type of issue that is coming in front of a committee that relates to your property and do you wish to be notified, what is your email. Discussion was had that it sounds easy and may not be as easy, overall goal is to improve the process.

#### 6. Rogers School future

Mr. Espindola spoke on this item with Mr. Foley and looking for information on potential grants. Town Meeting article on borrowing to get the building in a position to be rented to SMEC. That article did not pass at this Town Meeting, it may come up in a future Town Meeting in a different form. We only have a couple of months until the next town meeting. Mr. Espindola believes there will be another Town Meeting and might be helpful for this committee to take up this property and if there was anything this committee wanted to weigh in on and comment on. Biggest thing was to ask Mr. Foley to outline potential grants and align what have heard in the past from economic studies. This committee advocated and got the funding for an economic study done by FXM and had a Master Plan so look at those documents and see how this property fits into those.

Ms. Melanson asked if we are speaking on grants, should the people from the Rogers School Committee have been invited to this meeting because they put together a compelling proposal for that building and would Mr. Espindola been in favor of it if they brought back a better scope for you. She believes holding for the fall meeting for SMEC to come back with a more detailed scope of what they want to do. That is how she understood Mr. Espindola to have presented it at Town Meeting and to bring back in the fall and have a better scope. Are we talking about other people or other plans or are we going to wait until the fall when SMEC can come back.

Mr. Espindola said what we heard from SMEC was they are concerned about the lawsuit on that property that the town is facing right now and they are going to look at other options. Between now and the fall Town Meeting they could decide to go somewhere else. The Town in his opinion, should not sit still and hope that doesn't happen. In the meantime we should be looking at other opportunities and if that opportunity comes back and it is still the best option on the table then we consider it at that time. Point here is this committee should be involved in the process. At prior meetings of Select Board he did ask Mr. Foley for potential for that property and he did not have enough notice so this is a more appropriate venue to explain what the potential opportunities are.

Mr. Foley said that Susan Loo and Doug Brady were on the Zoom and Mr. Espindola said he advised them of this agenda item and invited them to join. Mr. Foley said he has looked at a couple of grants and when applying for grants you need to know what you are applying for. Have to have a vision not "thinking about this or that." A lot of the planning grant rounds have passed so we will need to wait for the next round. He showed his slides (**ATTACHMENT, item 6**) and spoke about the points.

Most grants require you wither to know exactly what you want to do or that you are already to go or "shovel ready." He reviewed the slide on Underutilized Properties Program which is not for using

for municipal purposes in general. It is possible but less likely as they want to put properties back on the tax rolls and they want businesses creating jobs. The state is looking for projects that produce housing or jobs. If the Town is planning on using the Rogers School as an annex this program would not be an option for us. Might get some monies but unlikely. The key is having a vision of what we want to do. There have been RFPs but the past RFPs seemed to only have lasted a couple of weeks. If the Town wants to work with SMEC in the future, as there was quite a bit of talk at Town Meeting on that and it seemed the opinion was somewhat divided. If we do another RFP we should bring in other people and boards. The Planning Board has not been involved in Rogers School. The way it is set up now whoever answers an RFP then has to go before the Planning Board for a Special Permit.

Mr. Foley suggested if we wanted to do another RFP, we set the parameters, here is what we are looking for, school, housing, mixed-use, etc. The last response to the RFP was too big for the Re-Use Committee and neighborhood. Perhaps we could have negotiated them down but we never got to that point. If we wanted housing we could say not over X number of units or not past the concrete pad for parking. It will cost a lot to fix the front school. It's not accessible and while it is not dirty, in fact in some ways it is in better shape than he thought but not built to the accessibility standards we expect today. There are grants out there but we need to know and build consensus on what we want to do. For the last RFP he was listed as the contact person and no one consulted him when putting it together or that it went out. A person called and wanted an extension on the RFP because it would take time to get a team to put a bid together.

Mr. McLaughlin asked about the lawsuit. Mr. Espindola said yes, the prior developer is suing the Town over the property and when SMEC found out late in the game they withdrew their interest and the Town had to convince them to stay engaged and they submitted a letter that they would still retain interest if the lawsuit was cleared but as of right now, it is still holding up development of the property. It is the developer suing the Town.

Ms. Melanson asked, if we could put out an RFP due to the lawsuit. Mr. Espindola said he does not believe we are restricted but the interested parties will be notified and that could be a problem. We are hoping that it gets settled, it is in front of the courts now and hoping the judge rules in the Town's favor.

Ms. Melanson asked if we do put out an RFP and trying to sell, why not lease the building and they do the work. Mr. Espindola said previous RFPs were for sale, not for renting with condition the Town would invest. If that is the plan then we would state it, rent the property with condition that the Town is willing to invest whatever amount and let us know.

Mr. McLaughlin asked if this property is available because we have two other schools and these are not needed. To fund those it is a vote by the registered voters. Mr. Espindola said yes, that was a debt exclusion. Mr. McLaughlin asked if the voters already voted then why not just sell it.

Mr. Espindola said that is the problem, trying to sell it for years and have not been able to. Mr. McLaughlin asked about the party from the lawsuit and if they bought it why suing the Town. Mr. Espindola explained they had not bought it, they proposed to buy it and presented their plan and timeline. They did not meet the various benchmarks on the timeline and did not have financial backing so they did not fulfill commitments they were supposed to meet. Extensions were given and

they were still not met so the Town terminated the agreement to end it and they are suing on the basis that the Town should have stayed engaged.

Mr. Lopez asked if the Town could invite investors, are we in the position to accept proposals or not. He has investors he can pitch it to. Mr. Espindola said Town Counsel said where we had a public process and did not get interest with a viable candidate and if someone came later we could entertain it. His opinion is if we change the terms significantly then we may be obligated to go back out to the public. Has heard people in the past who came to us and the Town said to do it correctly in a public process and still only had that person express interest. If someone comes to the Town is different than a member of EDC targeting a developer to say we are interested. Mr. Espindola has discussed in EDC before with Mr. Foley that the Town should advertise ourselves better. Advocated for using annual budget for ways to do it like a vacant properties list and let developers know. He thinks if we have a targeted effort to repurpose and target a developer that has a different feel to it and he would air on the side of caution and make sure Town Counsel reviews it.

Mr. Roderick wanted to comment that this has been going on for six to nine years and the figures he is hearing, for example, tearing down the annex, we were previously told it would cost \$600,000 and then up to \$800,000 so the longer this is there with no action it is getting out of hand financially and he does not want this on the table for another four to six years. We either go forth trying to bring someone in like SMEC or tear down part, leave main building as an annex. Looking for RFPs and hoops to jump through does not look inviting. The sooner we bring resolution to this the better and we will not satisfy everyone. It will take leadership to move this off square one. Ms. Melanson agreed with Mr. Roderick, not going to make everyone happy.

Ms. Melanson also said when we wanted to put apartments there the neighbors were in an uproar and the neighbors seemed to be happy with SMEC moving in. We could get \$475,000 back from leasing, which is better than \$800,000 to tear it down. If leasing and we do not have to pay for the care for the building and it's putting a school in a school.

Mr. McLaughlin recognized Mr. Doug Brady from the audience with his hand raised in zoom. Mr. Brady recommend someone from EDC and from the Finance Committee and the Planning Board join the Rogers Re-use Committee. We could call SMEC and sit down and see if something could be worked out as a potential deal. Does not mean we hold up from the Town continuing its process. Is there ability to make a deal happen come fall? Why not bring one person from each of these committees in to sit down and say can we do this, are you still interested or not and if you want to do it in an open meeting with all the Selectmen. If not maybe Mr. Espindola would be willing to sit down with these people about working on the deal to get us to the fall. Ms. Melanson said she would love to be on that committee with Mr. Espindola as well.

Mr. Espindola felt we did not have a tight enough handle on the actual costs of that specific project proposed and with the terms of the lease we were not close to understanding what the liabilities were for the town. Before any committee gets involved we need a better understanding of the plan, a set of drawings and specs with a code review on. Identify all of the things missing like an asbestos report and whether we need abatement on the roof. All of that should be done properly and we identify the costs, then we will know if we still have a project. If costs go for example, from \$776,000 to \$1,400,000 do we think SMEC would be willing to cover that cost? We would only know that

when we get real numbers. Part of the reason to look into grants would be to help fund a feasibility study, so if there is a way to find funding for an architect to propose and get real bid pricing then we would have a better feel. Then you have a code study, if pricing comes in you know you have a project and if not then you know you have a problem.

Mr. Espindola continued, Mr. Hayward from the Planning Board came forward and felt they should have been involved and give guidance on what should be done on that property. It brought to his mind that this committee say what should be done with that property as opposed to what has been proposed. Not sure if SMEC will find a suitable arrangement and walk away from the town or not. We should have a back-up plan at least..

Mr. McLaughlin said where this committee serves the Select Board and they cannot create committees and the Select Board decides to form a committee then they come back to us and ask for representation. Mr. Espindola said there is a committee, the Rogers School Reuse Committee. If intent is to try and get representation from EDC and Planning on that committee that is one thing that can be considered. If this committee does not want to weigh in on the Rogers School property that is fine and don't want to be in a position down the road where we hear from the Planning Board and EDC that we should have involved them, the intent is to involve everyone now.

Mr. McLaughlin said if we look to the Mission Statement for EDC it talks about making recommendations to the Select Board. The driving factor is how we are increasing tax rate. Ms. Melanson said SMEC is the Southeastern Massachusetts Education Collaborative. Mr. McLaughlin said that would not generate real estate tax for the Town. Ms. Melanson said they lease the Tripp School and have another five years on it. Mr. Foley said he would assume they are not for profit.

The Town still owns the Tripp School, Nemasket Group was there before SMEC and major renovations were done by Nemasket. When they left SMEC went in, the rent goes to the School Department. Two main differences in Rogers's property is if they sell then all liability goes away from the Town as soon as they purchase. If we are going to be landlords she sees it as totally different, so we need to look at in much more detail. Mr. Espindola confirmed the Tripp School is rented to SMEC through an agreement with the School Department and they did just renew the lease.

Mr. Lopez suggested we look again at the two proposals that have been brought forward and speak about them at the next meeting. Mr. Espindola agreed as the committee would need more context.

Mr. Roderick said the Town needs to make a decision, what is the intent? Do we want to make money off the property through sale or lease or find a suitable use for it. Those are two different things so the Town needs to decide what path to follow. Public use or not.

Mr. Brady added the point is, would the EDC consider appointing someone to the Rogers Committee and also a Planning Board membe. Tripp School lease is written so that they can be given six-month notice to break the lease and a year to get out. Does EDC have a member they recommend to be appointed to the Rogers Reuse Committee? Mr. McLaughlin explained EDC serves at the pleasure of the Select Board so they tell EDC what to do. We cannot say what we want to do, it comes through the Select Board. Mr. Brady said EDC could say they would like to have a representative on the

Rogers Committee. Mr. McLaughlin said usually committee is formed by the Select Board and they come to us, not sure. He would say no, if Select Board thought it was something EDC should be involved in then they would discuss and see if there is interest.

Mr. Espindola wanted to speak on the lease mentioned by Mr. Brady. He said that he has heard him make this comment in public meetings before about walking away after six months and he should know from conversations about the lease that this was never agreed to by either side. There is also a major distinction between the Tripp lease and what is considered here. Both parties are talking about putting a considerable amount of money into it and if he thinks that SMEC will invest and be told in six month to leave they would be hard pressed to believe they would sign on to that and if the Town is going to invest, the Town would have strong concerns on that as well. Nothing has been worked out and he would like Mr. Brady to be careful about what he presents, it can be misleading. Mr. Brady said he was presenting the Tripp lease that was before them, not the SMEC lease and we do not know anything until we ask and can sit at a table with all the representatives and to involve EDC, Planning and Finance. The six-month lease is solely referring to Tripp School. Have not negotiated a new lease with SMEC, not locking anything up or preventing anyone from doing anything.

Mr. McLaughlin wanted to recognize the other hand raised on zoom. Ms. Melanson said that was Susan Loo and she was no longer on the call.

No further discussion at this point.

7. Rt. 6/240/Opportunity Zone Redevelopment Study Town Planner Update

Mr. Foley said he had a site visit yesterday with Fuss & O'Neill (F&O) who are performing an environmental evaluation of the Redevelopment Target Area as part of the \$75,000 Site Readiness Grant we received. He reviewed from the slides and map in the meeting deck, also in **ATTACHMENT, item 7**. He showed the maps prepared by F&O, they used GIS info and it shows the target area. Red hatch parcel have had 21Es. Other hatching shows historic spills. Took two reps from F&O around town so they could understand it. MassDevelopment was there as well. They gave us a scoring sheet and wanted them to look at it from an objective view. Will pick three properties in the target area to do a Phase One Environmental Assessment. This is where they look at the historic records before any testing. Once you have an idea of what may be down there then we can go for Brownfields Money which is up to \$500,000 for remediation.

The utility lines cut right through the Target Area which is another thing that would be looked at as far as barriers to development. The lines zig zag, for example, coming off 240 then go around behind Alden Buick, across behind old Fairhaven Lumber and across to Walmart and zig zag across where Staples is. Mr. Foley will reach out to property owners as well. If anyone is looking to sell a property they need to have an environmental assessment.

We did get \$1,000,000 in the Transportation Bond Bill to improve the area along Bridge Street and it connects economic areas with no sidewalk or shoulder. We just adopted Complete Streets and would like to get that million dollars and he will be talking to Senator Montigny's office this week on how to get that money out of the Bond Bill. Will have EDA Study looking at the north side of Bridge at the Industrial. Applied to a few more grants to pair with the Best Practices Grant from last year to

work on a 40R Mixed-Use bylaw south of Bridge Street. Bridge Street cuts through it all and is a key link in town and needs to be improved with bike lane, shoulders and at least sidewalks.

Mr. Roderick asked about the Drive In property, and asked if this was what the town was looking at for the Public Safety? If expanding not sure they need 12 acres. Mr. Roderick said that info from Finance Committee and info from Police and Fire that piece of property is still under negotiations and the article at Town Meeting was passed over because not completed negotiations. Would we have competing interests there?

Mr. Foley said great place for Police and Fire to get to everywhere in town and still a large piece that could be developed for commercial on Bridge Street and industrial behind. Mr. Roderick said thought might be wetlands. Mr. Foley said that has to be determined but he heard that it was couple inches of muck on asphalt.

Mr. Foley discussed the attempt about 40 years ago at reclaiming the landfill. He has looked into this a bit and spoke with Jeff Osuch who said they did borings and about a third of the material is stumps and organic material that does not need to be in the landfill. What they were going to do in phases was excavate it and put down a liner and remove the stuff that did not need to be there and then charge people to bring stuff in and refill it. It started late and DEP changed rules on testing, so trucks dumped piles onto the ground and these organic piles that were waiting to be tested started to stink because it was hot summer and the neighbors complained and filed suit. He wanted to see if there was something like a metal building that could be moved around to contain the smell.

Mr. Roderick added, it was a company called Bio Safe and they started to dig and the stench caused so much opposition and lawsuits that Bio Safe pulled out of the project. Mr. Foley added that the drainage was not done right when they stopped the reclamation operation and it has created wetlands on either side. Mr. Foley thought was to try and reclaim some small areas of the landfill to use for industrial land back there but that is on the backburner for now.

Mr. McLaughlin asked about red hatches of 21E sites, and asked whether they are on a list of contaminated sites. Mr. Foley said next phase is to find out where those are. This is a preliminary view. These are places that have had 21Es. Does not mean they have contamination now or how old they are. Phase one is checking records which would take care for that. A Phase One update may indicate the do or do not require a Phase Two.

Mr. Foley said one area not in there is the roller rink that had a deal fall through last year because where Town Fair Tire is there use to be a dry cleaner that 50 years ago had a spill that still registers and the buyer found out and he had to look at a 21E and pipes down there and fumes from about 50 years ago. Someone from Acushnet is looking at that area now.

Map is preliminary and coming up with the sites for doing Phase One on. Some are town properties that we own and would need to get permission from property owners but if they want to sell it. Mr. Roderick said might be competing interest between the Public Safety complex and what we are proposing. He mentioned being told if there are wetlands cannot utilize until you replace it somewhere in town. Conservation Commission was to be in charge and come forth and clarify the issue and have not heard if that land is suitable, is it free and clear or contaminated.

Mr. Foley said that is the issue, not sure what is there and if we should let it sit or not. Looks like a very underutilized area with a lot of access.

Mr. McLaughlin asked about putting an industrial park on top of the landfill, was it structural. Mr. Foley said there are solar panels up and could look into what you could do on top of a landfill or not like parking. Mr. Foley said he has boxes of paperwork that he would be able to give to the consultants to look through. Mr. Roderick said the history of the landfill was that it was dirt removed when creating Cushman Park.

The EDA Grant: Mr. Foley recapped the Rt. 6/240 Grants Overview slide. Monies left to pair with potential other Grant Money if it is approved. Working with Mr. Vinnie Furtado from BPW on funds for engineering work on rights of way and work we can do to use the money from FY21. Potential for EEA monies if approved and optimistic on potential then we can talk about it. Goal to get drawings and renderings to show people what it is about to help get town support.

Complete Streets: 4 grants applied for. Shared Streets was a state COVID 19 that he has applied for. See **ATTACHMENT** on Complete Streets – Funding Requests for recap of what has been applied for and targets for use and priority ranking of the potential projects if get approved for any of the grants. These include Alden Road. Main Street – Fairhaven Village and Dana Farms – crossing safety, crosswalks with ADA ramps and flashing beacon or crossing. Bus Shelter at Fairhaven Village. Sciticut Neck Road, flashing beacons due to speed concern to tell people they are speeding. At Orchard Street where bike path and Sciticut Neck Road gets wide to direct people to the Little bay bypass and a crosswalk there and beacon to stop traffic for crossing.

Shared Streets, potential for improving Phoenix Rail Trail steep grade, make it more accessible and repave due to tree roots. Alden Road where the bike path goes to Howland Road. At the bike path at Sciticut Neck Road the BPW put delineators for one lane which will be one lane in the future. Concern is someone taking a left onto David Drown people were not slowing down and were passing on the right shoulder and a lot of crossing and they wanted to stop that. Similar on Howland where people veer around a turning car and it is a safety issue.

#### Planning & Economic Development Department Update

40R areas and housing potential. Along Rt. 6 plazas allowed to go up one story for apartments above. Walmart parking lot, seems to be room if taller buildings are nice looking with smaller retail businesses on the ground floor. Mr. McLaughlin asked if the 40R was targeted to specific neighborhoods and Mr. Foley said yes. 40R allows you to do something different so you want the businesses to get together on it.

A 40R Overlay bylaw would ultimately go to the Town Meeting. Mr. McLaughlin asked if we could add it as option for someone who might be interested as an option. Mr. Foley will look to expand some of the areas to include that. Could have a 40Ra for bigger areas and 40Rb for smaller areas of mixed use to consider.

Mr. McLaughlin asked about expanding to downtown. Mr. Foley said downtown is mixed use already but we could add as part of a 40R. It was rezoned mixed use in 1998 and we rezoned Benoit

Square to mixed use so it would be less non-conforming. When downtown was rezoned in 1998 it made a couple of people non-conforming so they could operate but they could not expand. Made most houses on Main and Middle mixed use. It is tough area where you have a historic neighborhood, the working waterfront, the park, mixed use and other things we we have to create a balance. Figure out a way for people to coexist, peacefully.

Discussion on potential other areas to expand to and consider for 40R, they may not know what it means. Mr. Foley thought maybe have different definitions for different areas. For example, Main Street and Middle Street at North Main Street could be called traditional mixed use and a design guideline for that. It would require new buildings to be like what the historic buildings are and some of those buildings are big, it has to be in that style like Euro or what is across the street. Then in other areas along Rt. 6 maybe have a Rt. 6 40R where you can go up two or maybe three stories and in the plazas maybe we allow up to six or seven stories.

Mr. McLaughlin asked about the Seaport Inn? Hoping the 40R can stimulate something that looks nicer and has a lot more activity and open to something at the seaport. Mr. Foley will revise the conceptual map and show some other areas that might benefit from a 40R. The trick is we are a Town of 16,000 that wants to remain a Town so how many more units do we want to allow in town? This will be something we need to work on in the next year. For one grant applied for he had to give a figure on number of units and his very rough estimate was that we could create up to 400 units. Mr. Espindola said renderings would be helpful. Ms. Melanson agreed, a 10-story structure would not work in town.

8. Any other business reasonably anticipated 48 hours prior to the posting of this meeting.

No other business. Mr. McLaughlin recapped with a thought on Rogers Reuse Committee, if someone wants to make a motion to tell the Select Board that we want someone to sit on that board from EDC. Ms. Melanson made a motion to tell the Select Board that EDC would like a representative to sit on the Rogers Reuse Committee, seconded by Ms. Fidalgo, vote, all in favor, motion carries unanimously. Ms. Melanson said she would like to be that representative, Mr. McLaughlin said the Select Board has to tell EDC.

9. Next Meeting July 15, 2021 TBD

Mr. McLaughlin led discussion on next meeting date as July 15, 2021. If someone is interested in the vacant spot on EDC, can contact Town Administrator. Mr. Espindola said can send an email to the Select Board, address is on the website or they can email him or one of the Selectmen, as long as they get it to the Select Board.

Ms. Melanson made a motion to adjourn the meeting, seconded, vote, all in favor, motion carries unanimously.