



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

FAIRHAVEN TOWN CLERK
RCUD 2025 JUN 30 AM 9:21

Tuesday, May 13, 2025 at 6:30 pm
Held both at Town Hall & Remotely via Zoom

1. **GENERAL BUSINESS:**

- a. **Chair's Welcome and Media Notification:** Acting Chair, Patrick Carr, opened the meeting at 6:32PM and welcomed all.
- b. **Quorum/Attendance:** Patrick Carr, Diane Tomassetti, Jessica Fidalgo, Sharon Simmons, Sean Powers, Kevin Grant, Miles Grant in Town Hall
Zoom: Ruy daSilva

Land Use and Planning Director Bruce Webb and Recording Secretary Barbara Paczosa were present in Town Hall.

- c. **Minutes: February 25th, 2025, March 11th, 2025, and March 25th, 2025, drafts to be reviewed:**

Ms. Tomassetti made a motion to approve minutes for February 25th, 2025, March 11th, 2025 and March 25th, 2025. Seconded by Ruy daSilva and passed unanimously (6-0).

Sean Powers and Miles Grant abstained.

- d. **Welcome new Board members:** Sean Powers and Miles Grant
- e. **Thank you to past Board members:** Cathy Melanson and Rick Trapilo
- f. **Discussion of the use of electronic communication devices or software by planning board members in convened planning board meetings, both in person and remote, due to risk of Open Meeting Law issues.**

Mr. Carr opened the floor to discussion from the board.

The board members discussed whether to allow the use of laptops and cellphones during meetings, considering the potential for open meeting law violations and the need to protect the sanctity of the board.

Mr. Webb presented two links for the board members on the guidance of electronic devices and open meeting law.

Mr. Carr asked Mr. Webb to clarify if there was anything from the Attorney General's Office that states they allow electronic use at a public meeting. Mr. Webb stated telecommunications and software that allows for communications amongst a quorum is prohibited, everything else is best practice.

The board discussed if cellphones were just to be silenced or turned off during the meetings.

Ms. Fidalgo made a motion to silence cellphones during Planning Board meetings. Mr. Kevin Grant seconded the motion and passed (8-0).

The Board discussed the use of laptops for viewing appropriate materials during meetings but not for communication purposes and creating separate user profiles on laptops for Planning Board related activities.

Ms. Tomassetti suggested having meeting material downloaded prior to the meetings.

Mr. Kevin Grant made a second motion to allow the use of laptops within Planning Board meetings in order to view appropriate materials. Mr. Powers seconded the motion and passed (8-0).

The board requested Mr. Webb to look into possibly providing Planning Board members with a town email address as other elected boards have them.

g. Discussion of appointing Richard Trapilo as proxy Fairhaven Planning Board Representative to the Fairhaven Buzzards Bay Water Quality Working Group.

Mr. Carr discussed with the board to pass over on the discussion of appointing Richard Trapilo as proxy for Fairhaven Planning Board Representative to the Fairhaven Buzzards Bay Water Quality Working Group. Mr. Carr stated this should go to the Select Board because they are in charge of appointing volunteers, the volunteer would be under the Planning Department not the board.

Ms. Fidalgo made a motion to pass on the discussion of appointing Richard Trapilo as proxy for Planning Board Representative to the Fairhaven Buzzards Bay Quality Working Group. Seconded by Mr. Kevin Grant and passed (8-0).

h. Board Elections/Reorganization (contingent on full attendance of the planning board membership):

• Nominations for Chair-

Mr. Kevin Grant nominated Ms. Tomassetti. Ms. Tomassetti accepted. A rollcall vote was made and tied (4-4).

Mr. daSilva nominated Mr. Carr. Mr. Carr accepted and justified why he would be a good candidate due to his attendance. A rollcall vote was made and tied (4-4).

Mr. Powers nominated Ms. Simmons. Ms. Simmons declined

Mr. Kevin Grant nominated himself. The board discussed with Mr. Kevin Grant their concerns with his attendance for the meetings. A rollcall vote was made and tied (4-4).

Mr. Kevin Grant nominated Mr. Miles Grant. Ms. Fidalgo discussed the importance of the Chairs role in preparing the agendas and running meetings. Mr. Miles Grant accepted the nomination but also urged the board members to reconsider an experienced individual. A rollcall vote was made and tied (4-4).

Mr. Kevin Grant nominated Ms. Fidalgo. Ms. Fidalgo stated she would accept with a supportive Vice Chair due to a busy schedule. Mr. Webb explained the responsibilities of the Chair and if the Chair is not available to take care of the tasks then it falls to the Vice Chair and then the Clerk. Mr. Carr expressed concerns with attendance. A rollcall vote was made and tied (4-4).

Ms. Fidalgo nominated Mr. Powers. Mr. Powers accepted the nomination and stated he was Chair for Broadband for two years and has a flexible schedule. Ms. Fidalgo spoke in favor of Mr. Powers nomination. Mr. Carr expressed concern with Mr. Powers experience. A rollcall vote was made and tied (4-4).

Mr. Kevin Grant nominated Ms. Tomassetti. Ms. Tomassetti declined.

The board discussed with Mr. Webb and Select Board Member Keith Sylvia how to proceed with no consensus reached.

Ms. Fidalgo made a motion to move forward to nominate a Vice Chair and Mr. Carr to continue as Acting Chair. Seconded by Mr. Kevin Grant and passed unanimously (8-0).

- **Vice Chair**

Ms. Fidalgo nominated Ms. Tomassetti. Ms. Tomassetti accepted.
Mr. Powers nominated Mr. Kevin Grant. Mr. Kevin Grant declined
Mr. daSilva nominated Ms. Simmons. Ms. Simmons declined.

A rollcall vote was made by Mr. Carr to nominate Ms. Tomassetti as Vice Chair and passed unanimously (8-0).

- **Clerk**

Mr. Fidalgo nominated Ms. Simmons.

A rollcall vote was made by Mr. Carr to nominate Ms. Simmons as Clerk and passed unanimously (8-0).

- **Southeastern Regional Planning and Economic Development District (SRPEDD) Commissioner**

Ms. Tomassetti nominated Ms. Fidalgo. Ms. Fidalgo accepted.

A rollcall vote was made by Mr. Carr to nominate Ms. Fidalgo as Southeastern Regional Planning and Economic Development District (SRPEDD) Commissioner and passed unanimously (8-0).

- **Community Preservation Committee (CPC) Appointee**

Ms. Simmons nominated Ms. Tomassetti. Ms. Tomassetti accepted.

A rollcall vote was made by Mr. Carr to nominate Ms. Tomassetti as Community Preservation Committee (CPC) Appointee and passed unanimously (8-0).

- **Economic Development Committee (EDC) Appointee**

Ms. Tomassetti nominated Mr. Miles Grant. Mr. Miles Grant accepted.

A rollcall vote was made by Mr. Carr to nominate Mr. Miles Grant as Economic Development Committee (EDC) Appointee and passed unanimously (8-0).

- **Rogers School Committee**

Ms. Simmons nominated Mr. Carr. Mr. Carr accepted.

A rollcall vote was made by Mr. Carr to nominate Mr. Carr as Rogers School Committee Representative and passed unanimously (8-0).

- **Harbor Master Plan Committee**

Ms. Tomassetti nominated Mr. Carr. Mr. Carr accepted.

A rollcall vote was made by Mr. Carr to nominate Mr. Carr to Harbor Master plan Committee and passed unanimously (8-0).

- **Fairhaven Buzzards Bay Water Quality Working Group**

Ms. Fidalgo questioned if there was a conflict for being on the Harbor Master Plan Committee and Fairhaven Buzzards Bay Water Quality Working Group. Mr. Carr asked Mr. Webb if it was part of SRPEDD, Mr. Webb responded that it was a separate committee.

Ms. Fidalgo nominated Mr. Carr. Mr. Carr accepted the nomination.

A rollcall vote was made by Mr. Carr to nominate Mr. Carr to Fairhaven Buzzards Bay Water Quality Working Group and passed unanimously (8-0).

- **Charter Committee**

Mr. Kevin Grant nominated Mr. Powers. Mr. Powers accepted.

A rollcall vote was made by Mr. Carr to nominate Mr. Powers to Charter Committee and passed unanimously (8-0).

- **Town Meeting Committee**

Ms. Tomassetti nominated Ms. Simmons. Ms. Simmons accepted.

A rollcall vote was made by Mr. Carr to nominate Mr. Powers to Town Meeting Committee and passed unanimously (8-0).

8:10pm-Mr. Miles Grant excused himself from the meeting for a short recess.

- i. **Discussion of requesting printed meeting materials from Land Use & Planning Dept.**

Mr. Webb stated he will print out meeting materials if need be but does not have it in the budget for every meeting and asks the board to be judicious with that request.

Mr. Kevin Grant made a motion for the board to use electronic copies but that written copies could be made available on a case by case basis if presented via email. Seconded by Ms. Tomassetti and passed unanimously (8-0).

2. **RECEIPT OF PLANS:**

- a) **FA25-03 346 Huttleston Avenue:** Form A proposal to divide 8,597 sq. ft. of land from the existing lot at 346 Huttleston Ave. (Map 30B; Lot 144), and transfer ownership of that 8,597 sq. ft. to the lot at 344 Huttleston Ave. (Map 30B; Lot 143), submitted by Jeannine Rocha & Diane Rocha.

Property owner Jeannine Rocha 346 Huttleston Ave spoke on her behalf. Ms. Rocha is taking one lot and making it into two and selling it to her neighbor Andrew J. Masse, she does not use it anymore.

Mr. Webb provided background information on the two properties. Mr. Webb explained the properties are non-conforming but by approving it would give both lots the required 15,000 square feet or greater.

Ms. Fidalgo questioned the easement extension. Ms. Rocha explained that the driveway is off Huttleston Avenue and is shared with Mr. Massey and he would like to drive into his backyard so Ms. Rocha had to add 15 ft. Mr. Webb confirmed that the easement is private.

Due to Mr. Massey not attending the meeting the Board requested documentation from him stating he is in agreement with the plans. Ms. Rocha agreed to text Mr. Masse and would check back with the board later in the meeting.

Ms. Fidalgo made a motion to table the vote until Ms. Rocha heard from Mr. Masse. Seconded by Ms. Tomassetti and passed unanimously (8-0).

- b) **FA25-04 5 Golf Street**: Form A proposal to divide 5 Golf St. (Map 28A; Lot 344) into two lots, Lot "A" at 12,611 sq. ft. and Lot "B" at 7,527 sq. ft., submitted by Laurie Belmarce.

John Romanelli, Zenith Land Surveys 1162 Rockdale Ave New Bedford representing the home owner gave a presentation on the project.

Mr. Webb stated with the lots being separated by deed still, the property owner actually would have the ability to separate the historical lots with the much smaller frontage and much smaller lot area. Mr. Webb spoke with the Building Commissioner and the applicant and that it was the best way to create two lots and to keep the non-conforming elements to a minimum for the two resulting lots.

Mr. Carr questioned the intention for the lots. Ms. Belmarce stated she is going to sell the lot and put an addition on her house.

Mr. daSilva made a motion to approve FA25-04 5 Golf Street. Seconded by Ms. Tomassetti and passed unanimously (8-0).

The Board reopened FA25-03 346 Huttleston Avenue

Ms. Fidalgo made a motion to approve FA25-03 346 Huttleston Avenue pending confirmation email to the Land Use Director's email from Andrew J. Massey. Ms. Tomassetti and passed unanimously (8-0).

- c) **FA25-05 343 Huttleston Avenue**: Form A proposal to divide 343 Huttleston Ave. into two lots, Lot A at 16,896 sq. ft. and Lot B at 15,058 sq. ft., submitted by Jose Gomes.

John Romanelli, Zenith Land Surveys 1162 Rockdale Ave New Bedford representing Joe Gomes stated they went to ZBA in December and Mr. Gomes was awarded a variance of 76.12 feet of frontage. Mr. Romanelli explained it does meet area requirements but he had to get a variance for frontage. Mr. Gomes wants to build himself a house on one lot and sell the other to his son.

Mr. Webb stated he spoke with the Building Commissioner who was unable to provide a copy of the letter but did verbally confirm that they had the approval of the Building commissioner that this is a legal buildable lot.

Mr. Romanelli had a copy of the decision letter from ZBA to present to the board.

Ms. Fidalgo made a motion to approve FA25-05 343 Huttleston Avenue. Seconded by Ms. Simmons and passed unanimously (8-0).

3. **OTHER BUSINESS:**

- a) Charter Committee – No update at this time.
- b) SRPEDD Update - No update at this time.
- c) Update on Town Meeting Committee – Ms. Simmons stated there has been no final meeting and she thinks the next meeting would be combined to finish off the procedures along with recapping the last town meeting. Ms. Simmons stated that Mark Sylvia would like to keep the committee going long term.
- d) Discussion of proposed policy of requiring a 24"x36" Mylar site plan from applicants to be signed by the Planning Board and recorded at the registry of deeds alongside the updated deed as a future best practice.

Mr. Webb explained if the Mylar is not signed and recorded that can create issues with updating lot lines with both state geographic information systems and our own geographic information and assessor maps. Mr. Webb stated other Planning departments and boards as a best practice require that Mylar's be signed by the board and registered at the registry of deeds and then proof of that recording provided to the board afterwards. Mr. Webb feels that would be the best way forward for Fairhaven as well. Mr. Webb stated this would require a change to 316 and would require a public hearing and any vote would be a vote in support of pursuing this as opposed to a vote to change it.

Ms. Fidalgo made a motion to support the Planning director's adjustments to Chapter 316 in the future. A rollcall vote was made by Mr. Carr and passed unanimously (8-0).

- e) Update to Planning Board on Land Use and Planning Dept. activities and upcoming initiatives.

Mr. Webb discussed activities of the Land Use and Planning Department including Municipal Vulnerability Program, Blue Water Green Food project, Municipal Energy Manager Grant program and the Community Planning Grant. Mr. Webb discussed the agenda creation process and the need for a more cohesive approach and encouraged the board members to work together and bring their concerns to the chair for inclusion in the agenda.

4. **Next Meeting:**

- a) Next Regular Meeting, Tuesday, May 27th, 2025.

Respectfully submitted,
Barbara Paczosa
Recording Secretary Planning Board

Minutes approved at Board Meeting on 6/24/2025