



TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD
PUBLIC MEETING MINUTES

Tuesday April 28, 2026 at 6:30PM
Town Hall, 40 Center Street, Fairhaven, Massachusetts

AMENDED

FAIRHAVEN TOWN CLERK
RCUD 2026 SEP 24 AM8:46

1) GENERAL BUSINESS:

a) Welcome and Media notification:

- Sean Powers opened the meeting @ 6:31PM and welcomed all. Mr. Powers read the open meeting law protocols and procedures.

b) Pledge of Allegiance:

- The Board stood for the Pledge of Allegiance

c) Quorum/Attendance:

- **Present:** Sean Powers, Ruy DaSilva, Miles Grant, Jeffrey Lucas, Sharon Simmons, Patrick Carr
 - **Zoom:** Kevin Grant
 - **Absent:** Jessica Fidalgo
- There is a Quorum
Danielle Kirkwood, the Recording Secretary, was present at the Town Hall.

d) Meeting minutes drafts to be reviewed 4/ 14/2026

~~Mr. Powers made a motion to approve the meeting minutes for 4/14/26 seconded by Mr. M Grant, Mr. Carr Abstained, Ms. Simmons Abstained vote passed (5-0).~~

Mr. Powers made a motion to approve the meeting minutes for 4/14/26 seconded by Mr. M Grant. Roll Call Vote:

Ayes: Sean Powers, Ruy DaSilva, Miles Grant, Jeffrey Lucas, Kevin Grant

Nayes: None

Abstentions: Mr. Carr, Ms. Simmons

Action: Passed 5-0-2

e) Correspondence: None

Mr. Powers opened Public Hearing @ 6:35PM

2) PUBLIC HEARING:

- a) SD25-02 at 0 Duchaine Street** - Potential Properties, LLC proposes to subdivide the property to create 2 building lots by creating the legal frontage along the street with a construction of a 20-foot-wide gravel roadway and hammerhead turn around. The property is located at 0 Duchaine Street Map 34, Lot 38.
- A Homeowners Association (HOA) document was submitted to the planner and is now acceptable to council.
 - HOA scope limited to the two lots; adjacent lots not included but could join via amendment among HOA members.

- Waiver list updated and read into the record, including items for surety, street lighting plan, staking during construction, street design standards (gravel shoulders vs pavement), landscaping/street trees, overhead utilities, curbing, and driveway approach/paving.
- Mailbox service confirmed by USPS to drive up the lane.
- MassDOT: initial review completed; awaiting finalization; valid access permit required for work within state highway layout;
- DPW/Water: Water main upsized with hydrant at end of run per water department preference.
- Overhead utilities concern on a dead-end raised; applicant cited reduced tree-limb risk due to site clearing and proximity to Route 6.

~~Mr. Carr made a motion to accept all waivers as proposed seconded by Mr. Powers passed (7-0).~~

~~Mr. Powers made a motion to approve seconded by Mr. Lucas passed (7-0).~~

Mr. Carr made a motion to accept all waivers as proposed seconded by Mr. Powers. Roll Call Vote:

Ayes: Sean Powers, Ruy DaSilva, Miles Grant, Jeffrey Lucas, Sharon Simmons, Patrick Carr, Kevin Grant

Nays: None

Abstentions: None

Action: Passed unanimously, 7-0-0

3) RECEIPT OF PLANS: None

4) NEW/OTHER BUSINESS:

- a) **PS25-01- 4 Earle Street:** Map 31A, Lot 453 an existing single-family residential lot accessed via Earle Street, a private way. The parcel is in the Residential A zoning district, this is a preliminary subdivision application.
 - DPW Public Works statements dated April 27, 2026 were discussed; applicant received paper copies during the meeting and will review.
 - Four waivers are being requested regarding the road's centerline, grading, standard design requirements (sidewalks, curves), and curbing, as it is an extension of an existing gravel road. The road will remain private.
 - The road extension will be approximately 70 feet long and will stop short of the property line to accommodate the fire truck turnaround.
 - The construction of the gravel road and turnaround surface (concrete and gravel) was discussed, with a request to ensure the design detail matches DPW standards.
 - To address fire department concerns, a gravel shoulder will be added to allow fire trucks to turn around, as a standard hammerhead is not feasible.
 - Stormwater runoff from new improvements will be managed by an above-ground infiltration basin and a bituminous curb.
 - Subsurface systems will be added for roof runoff based on feedback from the conservation commission.
 - Hydrant Protection and Location: There was a concern about protecting a fire hydrant from being hit; using large rocks or boulders was suggested. The water department requested the hydrant be moved to the end of the lane to act as a blow-off for the new main.
 - Board members cited broader concerns about historical permitting/title compliance and possible recording issues; applicants reported title search and a

second legal opinion were obtained; willingness to consult town counsel expressed.

- A valid MassDOT access permit is required for work within the state highway layout (SHLO). Trenching details for utility work were missing from the plans and must be provided.
- Water connection details referencing Fall River standards need revision to meet Fairhaven requirements.
- The plan must clearly show slope limits to ensure no work occurs within the 25-foot "no disturb" buffer zone.
- A specific tee size of "8 by 8 by 8" was noted as the correct requirement.
- Attorney Michael McGuire cited the "Derelict Fee Statute," stating abutters on a private way own to the centerline, subject to easement rights for other owners to pass and repass. The applicant is not aware of any latent claims from property owners.
- A board member raised concerns about improperly processed paperwork from the original subdivision and a previously waived water main. The board expressed discomfort reviewing legal opinions without the town attorney's input, suggesting the applicant's attorney discuss the matter with town counsel.
- **Joel Cordeiro 4 Earle Street** – addressed the board stating an abutter claimed that he has a deed showing Benson Street which was part of a development that never completed and never put in place. His Attorney did due diligence on the deed and property.
- Board members noted that operating without a town planner for eight months makes it difficult to handle complex submissions with potential legal questions.

b) Ted Brovitz Update for potential changes to bylaw.

- A 38-page PowerPoint and revised bylaw drafts were circulated; some members received portions earlier, full package later.
- Consultant paused work for ~6–8 months, then resumed at planning office request.
- Focus areas include Table of Uses, intensity/dimensional standards, and mixed-use overlay; parking noted but lower priority. State grant supporting the work runs through end of June;
- Potential for an extension to be explored by town administration to confirm grant deadlines/extension process.
- Consultant recommends one week for board review with Q&A at the next meeting (targeted May 12); can attend in person or remotely.
- Board will review materials, requested a concise written priority ranking (1-2-3) with rationale from the consultant, and designate representatives to align on the single article for the next town meeting.

c) Updates from Committee Liaisons:

2) LONG RANGE PLANNING:

a) Board discussion:

- Public Works One-Way Street Conversions and Interdepartmental Coordination.
- Public hearing scheduled for May 6 at 6:00 PM (Town Hall Auditorium) regarding converting certain streets north of Route 6 and a section of Main and Middle to one-way.
- Concerns: potential speed increases, pedestrian safety, truck routing, fire apparatus access. Speed study reportedly used 30 mph though posted limit is 25

mph; 85th percentile speeds 28–30 mph. Consider speed tables versus maintaining two-way patterns.

- Desire for Planning Board briefing and input prior to or alongside the hearing; call for improved communication protocols between Planning, Public Works, Fire, and others.
- Members plan to attend the May 6 hearing and advocate for Planning Board involvement and better interdepartmental coordination.
- Hiring of Town Planner: job posted.
- Follow-ups needed across multiple committee efforts; staffing and communication improvements prioritized.

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

3) **NEXT MEETING:** Next Regular Meeting, May 12, 2026.

ADJOURN: Mr. Powers closed the meeting at 8:36PM

Exhibit A: Meeting Minutes Titled - *2026-04-14 Planning Board Minutes_AMENDED*

Exhibit B: Site Plan Titled - *DS25-02 O Duchaine Plans*

Exhibit C: Site Plan Titled - *PS25-01- 4 Earle Street*