



Fairhaven Planning Board

Town Hall · 40 center Street · Fairhaven, MA 02719

PUBLIC MEETING MINUTES

Tuesday, June 30, 2026 at 6:30PM

1) GENERAL BUSINESS:

- a) Welcome and Media notification
- b) Pledge of Allegiance
- c) Quorum/Attendance

Present – Patrick Carr, Sean Powers, Miles Grant, Kevin Grant, Mona Phillips, Jenn Cardoza

Zoom – Jessica Fidalgo (late arrival), Michaela Shoemaker

Absent – Ruy DaSilva

d) Board liaison

i. CPC

~~Motion made by Kevin Grant to appoint Sean Powers as CPC liaison second by Miles Grant. Vote passed unanimously.~~

Motion made by Kevin Grant to appoint Sean Powers as CPC liaison second by Miles Grant. Roll Call Vote:

Ayes: Sean Powers, Miles Grant, Kevin Grant, Patrick Carr, Mona Phillips, Jenn Cardoza

Nays: None.

Abstentions: None.

Action: Passed unanimously 6-0-0.

e) Meeting minutes draft to be reviewed- 6/16/2026

~~Motion to accept meeting minutes Patrick Carr second Miles Grant passed 7-0~~

Motion to accept meeting minutes Patrick Carr second Miles Grant. Roll Call Vote:

Ayes: Sean Powers, Miles Grant, Kevin Grant, Patrick Carr, Mona Phillips, Jenn Cardoza

Nays: None.

Abstentions: None.

Action: Passed unanimously 6-0-0.

f) Correspondence:

i. Town of Acushnet

2) PUBLIC HEARING:

3) RECEIPT OF PLANS:

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.

➤ Alfonso Koka, KBN Design Group presented plan

- Existing house remains on one lot; second lot to be 15,000 sq ft via subdivision.
- Clarified that civil disputes between private parties are outside Planning Board purview; abutter input relevant to planning review should be heard during public hearings.
- Members confirm receiving confidential legal opinion aligning with applicant's presentation.
- Town counsel's confidential opinion (June 15, 2026) indicated no issues with board questions and confirmed the board's authority to proceed; specific content cannot be publicly discussed.
- Reference made to correspondence indicating nothing prohibits the board from moving forward.
- Request for Michaela to summarize publicly without breaching confidentiality.
- Planner explains the confidential legal opinion (sent June 15, 2026) addressed frontage and board questions; civil disputes between neighbors are outside counsel's scope; legal counsel found no issues with questions posed.
- Planner assures the board that proceeding on the preliminary subdivision application does not raise legal problems for the town.
- A board member sought clarification from town counsel on how to weigh abutter testimony, particularly when it involves civil disputes and conflicting legal documents.
- Guidance: consider abutter input, but do not mediate civil disputes.
- Public participant - Michael Gaj asserted a historic stone wall marking a farm boundary was removed; submitted 1903 plans and a 1972 stamped plan showing the wall; claimed road alignment and historic house predates current street path.
- Board advised to reference most recently approved plan (2017) on record; legal counsel has reviewed submitted documents.
- Abutter states wall removed ~2019 post-2017 decision; provided amplified plan copy.
- Applicant references endorsed subdivision plan dated 2018-04-24.
- Fire department approved the proposed turnaround.
- The applicant's representative argued that abutters have had ample time to submit legally binding counter-evidence and have failed to do so.
- Applicant's materials prepared by licensed surveyor and attorney; town counsel saw no disputing documents from abutters.
- Another member emphasizes ensuring all submitted documents were reviewed and clarified which apply.
- The board lacks the necessary number of votes to approve the application, and new members are ineligible to vote on the current version.
- New members cannot vote on the current preliminary application unless a new filing begins under their tenure.
- Five votes are required to approve; members considered tabling to later in the meeting to achieve quorum.
- Jess not on Zoom; recommendation she review missed material before voting, or board briefly recaps upon arrival.

~~**Motion to suspend until later in the meeting to secure quorum by Patrick Carr; seconded by Miles Grant; passed**~~

Motion to suspend until later in the meeting to secure quorum by Patrick Carr; seconded by Miles Grant;

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Ayes: Sean Powers, Miles Grant, Kevin Grant, Patrick Carr, Mona Phillips, Jenn Cardoza

Nays: None.

Abstentions: None.

Action: Passed unanimously 6-0-0.

- **Reopen PS25-01 @ 9:00PM; Jessica prepared without re-presentation based on prior discussions and counsel context.**
- Jess outlines the preliminary subdivision review focus and indicates zoning appears covered; definitive process will follow.
- Board reaffirms focus on planning board issues versus private disputes raised by abutters regarding Earl Street.

~~**Motion by Sean Powers to approve the preliminary subdivision application Second by Kevin Grant roll call vote passes 5-0.**~~

Motion by Sean Powers to approve the preliminary subdivision application Second by Kevin Grant. Roll call vote:

Ayes: Sean Powers, Miles Grant, Kevin Grant, Jessica Fidalgo, Patrick Carr

Nays: None.

Abstentions: Mona Phillips, Jenn Cardoza

Action: Passed unanimously, 5-0-2.

5) LONG RANGE PLANNING:

a) **Board discussion:**

- i. Ted Brovitz/Bylaw Changes
 - Ted Brovitz presented completed Bylaw Change document
 - A summary of the past year's work on zoning bylaw updates was presented, covering district changes and use regulations.
 - Table of Use updated: new categories, mixed use added, performance standards created.
 - Dimensional regulations ("Intensity of Use") revised to reflect RA character.
 - Definitions updated; design guidelines created for site plan review.
 - An overview of building types in the RA district was provided.
 - RA predominantly single-family (3,300+), with some two-/three-family; varied styles including cottages and larger homes on double lots.
 - Proposed changes to dimensional standards for the RA and RB districts aim to reflect the traditional neighborhood character.
 - Proposed: frontage 35 ft; setbacks 8 ft; maximum coverage 60%; align with existing built character.
 - A proposal aims to allow mixed-use development by enabling businesses to operate from residences on smaller lots with reduced setbacks, mirroring existing neighborhoods.
 - Supports live-work arrangements (e.g., professionals operating from home); fills underdeveloped areas.
 - Proposed zoning changes for the Industrial District and Rural Residential areas are designed to attract more startup businesses by lowering land requirements.

- The discussion on the Rural Residential district focused on using zoning incentives, like shared driveways, to preserve trees and the area's character.
- Proposed changes for the Park District and large single-family home areas are minimal, focusing on adjusting frontage while preserving neighborhood character.
- Zoning changes for the Agricultural district and height restrictions related to FEMA regulations were discussed.
- The Water Protection District has minimal proposed changes due to its primary function as conservation land with limited development potential.
- Small, dispersed business districts serve spread-out neighborhoods and provide convenient access to essentials.
- Updates to the table of uses and performance standards include modernized definitions, added categories, and structural changes.
- Visual cues in the document indicate updates: blue text marks newly updated content.
- Residential density standards in mixed-use districts are increased, with by-right and special permit thresholds, and a strategic posture to evaluate market response.
- Downtown and corridor design guidance encourages street-facing commercial ground floors, quality storefronts, and infill on over-parked sites.
- Parking standards for mixed-use overlay are being finalized, with unit-based ratios aligning to regional guidance.
- Proposed ratios: 1.0 per 1BR, 1.5 per 2BR, 2.0 for mixed use.
- Building types have tailored design standards, density bonuses are available via Planning Board, and affordable housing requirements apply to larger projects.
- Affordable unit standards are state-defined; Planning Board may grant design waivers under set criteria.
- Near-term prioritization: Table of uses, definitions, and RA district dimensional standards should be advanced; RR to be deferred.
- Request for a final draft and staffing support to move forward, acknowledging rushed timeline and need for thorough vetting.
- A member argued for urgency in preparing bylaw changes for a potential Fall Town Meeting and proposed forming a subcommittee.
- Use residential lot count data; aim for November Fall Town Meeting.
- No Fall Town Meeting called yet; risks of rushing; need strong rationale and data; public hearing timelines noted.
- The board discussed the need for a project plan to prepare for the next available town meeting; scheduling remains tentative.
- The board agrees to work as quickly as is reasonable without rushing, aiming to be ready regardless of whether a fall meeting occurs, prioritizing thoroughness and public trust.
- The interim town planner underscores caution about unintended consequences of dimensional changes and seeks board alignment on proposed numbers, while time constraints on her availability are noted.
- Each member to review proposed vs. current dimensions; be prepared to explain and defend.
- Interim planner flags risk of larger buildings if coverage increases alongside smaller lots.

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- The board agrees to first achieve alignment on the proposed dimensional numbers before engaging other boards/departments; they plan to place this discussion on the next meeting's agenda.

b) **Committee Reports**

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

6) **NEXT MEETING:** July 14, 2026 @ 6:30PM

ADJOURN: There being no further business before the board, the meeting is adjourned.

Exhibit A: Meeting Minutes Titles - *2026-6-16 Planning Board Minutes*

Exhibit B: Correspondence Titled - *2026-06-06 Town of Acushnet Special Permit Notice*

Exhibit C: Site Plans Titled - *PS25-01 -4 Earle St Plan REV 5.15.26*