

FAIRHAVEN PLANNING BOARD
August 25, 2015
Town Hall Banquet Room

Chairman Wayne Hayward opened the meeting at 6:32 p.m. and noted the meeting was being televised.

A. ADMINISTRATIVE BUSINESS:

Quorum/Attendance:

Present: Chairman Wayne Hayward, Jeff Lucas, Ann Richard, Rene Fleurent, Jr., Peter Nopper, John Farrell, Jr., and Gary Staffon.

Absent: Kaisa Holloway-Cripps

Also in Attendance: William Roth, Planning Director

Acceptance of Minutes:

Gary Staffon made a motion to accept the minutes of July 28, 2015, and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

Wayne Hayward abstained.

Planning Board Bills:

1. Office Supplies – **Staples** – 135.73

Gary Staffon made a motion to pay Staples \$135.73 and was seconded by Jeffrey Lucas. The motion passed unanimously.

B. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

None.

C. PUBLIC HEARINGS AND MEETINGS:

1. Special Permit – **Carapace LLC #2** – 250 Bridge Street (Cont'd from 8/11/15).

Mr. Hayward noted there were 7 Board members available.

Richard Rheaume from Prime Engineering was present.

Mr. Roth said Mr. Nopper has submitted a Mullin's letter for the missed August 11, 2015, meeting and Mr. Roth will record it with the Town Clerk tomorrow.

Mr. Hayward said the only issue was the rear-line setback. Mr. Roth said he forward the email that Mr. Fostin said he looked at lot line merger and it does not fall under variance. It falls under the merger doctrine under common ownership and therefore, not a variance. Mr. Roth read Ms. Cripps' August 22, 2015, email regarding common ownership.

Mr. Roth spoke with the Building Commissioner and his opinion was if the lot was sold, it would become non-conforming and would probably be difficult to get a zoning compliance letter from a commercial lender for a sale. The owner could seek a variance to make it conform or adjust the property line prior to a sale and Mr. Roth feels that either would address the issue.

Greg Lutz said they have no intention to sell anything. Mr. Hayward said for the ease in the future, suggested getting a variance sooner rather than later.

Mr. Rheume said one question came up was about vehicle access so they have done a computer-generated turning radius and made it sheet #11 and was incorporated into the set. Also was the guardrail running along eastern edge and that has been added as a revision and a date of August 25, 2015.

Mr. Roth said if approved to use the conditions he has recommended.

Rene Fleurent, Jr. said if both same owners, should they be as concerned about traffic movements.

Mr. Rheume said they have had an easement drafted and Mr. Roth said that has to be provided for and needs to be addressed with Special Permit. The other issue regarding variance and non-conforming issues are only triggered if it is sold and would have to deal with Building Commissioner. Mr. Roth said the easement will be general crossover access for vehicles/trucks. This is a blanket easement that allows the right to cross over. They will not define the actual pathway.

John Farrell, Jr. asked if they fall under a merger document and does it get taxed as one parcel and Mr. Roth said no, it is based on the tax parcel and use. Sometimes owners will combine into one bill, done as a convenience.

Mr. Hayward said the merger theory is for non-conforming lots only and does not feel merger theory application and believes they need a setback variance. Mr. Hayward and Mr. Roth suggested they put that issue to rest and apply for Variance after the Special Permit.

Mr. Hayward brought up commercial use and setbacks. Mr. Roth does not see a reason to not approve it and recommends they get the variance. (Discussion ensued.)

Mr. Lucas spoke about sale of the property and looking for Industrial use. Mr. Roth did not see it as an issue if it were Industrial use.

Mr. Hayward said it is not their fault it is Industrial zone. It is all commercial and the regulations allow it. The main goal is to protect the Town, residents and public. Mr. Hayward does not feel a need to do anything. It protects them in the future.

Gary Staffon has an issue with the access from Bridge Street and Whaler's Way and asked if there was an interest from the Board in surfacing Whaler's Way. Mr. Roth noted that issue was raised in the beginning because of the pot holes that have since been repaired, but it is a private road.

Mr. Roth said Memo #3 dated July 23, 2015, has 25 recommended conditions. Mr. Roth is going to recommend approval with the 25 conditions and they need to revise plans with the cross section of retaining wall, guardrail. Mr. Roth has not approved new plans and suggested approving it as is with conditions.

Jeff Lucas made a motion to approve Carapace LLC with the 25 conditions contained within Memo #3 dated July 23, 2015, and was seconded by Ann Richard. The motion was unanimous 7-0.

D. LONG RANGE PLANNING:

1. Master Plan Discussion

Mr. Hayward said the committee appointments were passed out for the sub-committee. Mr. Fleurent will be the Chairman, Kaisa Holloway-Cripps and Ann Richard. The Selectmen have not appointed anyone yet. Mr. Hayward explained quorum is three. Mr. Fleurent asked if it was a Public Meeting. Mr. Roth

noted he would just have to post an agenda and will work with Mr. Fleurent in doing that and will speak with Selectmen's office.

2. Auto Dealer Use – Potential Zoning Amendment and
3. Special Permit Bonds – Potential Zoning Amendment

Mr. Hayward noted there have been no changes to the two documents. Regarding the public meeting, Mr. Hayward thinks they should hold off until November 10, 2015, same with Special Permit bonds.

Mr. Roth noted Ms. Cripps had some notes regarding some changes and she is not here to discuss it and feels they should wait to discuss it. Mr. Hayward said he would put it on the agenda, along with Special Permit bonding. Mr. Hayward said on the Performance Bond, that the Board would have to develop policy and how to proceed to use it.

Mr. Roth said they would have to advertise another hearing. Mr. Hayward said if they reference it in Chapter 316, it gives them the flexibility to modify it. Mr. Hayward said it should be written policies but they would be under one code section.

Mr. Staffon mentioned many people store boats and lose interest in them and wondered if there was language about getting a copy of title as they just get left in storage as fees get high and then they are abandoned and suggested put something in the bylaw.

E. CORRESPONDENCE:

None.

F. OTHER BUSINESS:

Mr. Roth said in folders there will be the first of neighborhood meetings to solicit input, the Benoit Square Neighborhood Planning Meeting, South Coast Rail technical grant. It is the initial meeting. They have a targeted area and have done a mailing within 300 ft. both sides of the street.

Mr. Roth along with SRPEDD noted that once the initial meeting has been held, issues are talked about, and come up with a draft report that the Planning Board will be involved with. Mr. Roth advised that once he gets the presentation from SRPEDD, he will provide it to the Board members.

John Farrell, Jr. asked why it was not present to the Planning Board prior to. Mr. Roth said they received a SouthCoast Rail Grant and it asks what area they are looking at, what are the issues, what works, what does not. It is an info-gathering meeting to help start the process with the Board on recommendation for potential zoning changes.

Mr. Hayward asked if Oxford School property was involved and Mr. Roth indicated it was. Mr. Hayward felt the Planning Board has been left out of the loop. Mr. Farrell said he is frustrated.

Mr. Hayward feels they are being drawn in in the end. Mr. Roth said this is the beginning and he would discuss with SRPEDD tomorrow what the action steps are. Rene Fleurent, Jr. feels it is just their ideas and that they want to inform the public a grant was given.

Mr. Hayward felt a meeting notice should be posted if the Planning Board is involved.

Mr. Staffon and Mr. Fleurent suggested posting the meeting. Mr. Roth looks at this as the first general meeting with the neighborhood and then steps into the formal process with the Planning Board. It is a basic introduction. Mr. Roth was hoping to have a list from the neighborhood to see what the issues are.

Mr. Hayward said they could be left out of the loop. Mr. Roth apologized and said the Town of Fairhaven has received a SouthCoast Rail Grant and he is looking to revive part of the town that is desperately needed.

Mr. Farrell said SRPEDD has website specifically for Benoit Square and asked what they could find. Mr. Roth said a general synopsis of what was written in the application.

Rene Fleurent, Jr. said he does not see it any different discussing as a resident or discussion with the Planning Board.

Mr. Farrell said there is an outside contractor.

Rene Fleurent, Jr. said they are trying to do something good for the Town. Mr. Roth noted there was no agenda. (Discussion ensued.)

Gary Staffon made a motion to adjourn and was seconded by John Farrell, Jr.. The meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Tracy White
Recording Secretary