

**FAIRHAVEN PLANNING BOARD  
OCTOBER 27, 2015  
Town Hall Banquet Room**

Mr. Hayward opened the meeting at 6:30 p.m. Mr. Hayward informed the meeting was going out live.

**A. ADMINISTRATIVE BUSINESS:**

Quorum/Attendance:

Members Present: Chairman, Wayne Hayward, Jeffrey Lucas, Rene Fleurent, Jr., Peter Nopper, John Farrell, Jr., Ann Richard and Kaisa Holloway-Cripps (arrived 6:40 p.m.).

Absent: Gary Staffon.

Planning Director William Roth was also in attendance.

Acceptance of Minutes:

Rene Fleurent made a motion to approve the minutes of September 8, 2015, and seconded by John Farrell, Jr. The motion passed unanimously.

Planning Board Bills:

1. Workshop – **CPTC** – Fleurent - \$30.00

Wayne Hayward made a motion to pay CPTC \$30.00 and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. Office Supplies – **W.B. Mason** - \$67.38

Jeffrey Lucas made a motion to pay W.B. Mason \$67.38 and was seconded by John Farrell, Jr. The motion passed unanimously.

3. **Refunds – 89 - Closed Accounts (6):**

Kenneth Melanson \$117.77 - Unaccepted Street;  
E.J.'s Diner - \$1,932.50 - Special Permit  
Field Engineering - \$1,327.08 - Mill Bridge Holdings Special Permit;  
Jeffrey Sanders - \$72.96 - Coastal Compassion Special Permit  
Thomas Melanson - \$67.60 - Text Amendments advertising;  
Papa's Oil Delivery \$70.00 - Special Permit.

Mr. Roth informed the Board that all of the applications are closed out and that the excess funds should be returned.

Jeffrey Lucas made a motion to pay various recipients for the balance on the 89 Account and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

**B. CURRENT PLANNING:**

Receipt of Plans:

None.

Approval of Plans:

1. Form A - **Ronald Oliveira**, 31 Charity Stevens Lane, Map 40, Lot 15.

John Marchand, Engineer, Thompson Farland Engineering was present.

Mr. Roth said the Applicant is proposing to take one lot, Assessor's Lot 15 and proposing to create 4 lots with varying frontages. All lots are a little over 3 acres each, Zoning is RR. The proposal meets requirements for an ANR and the road is an accepted public way.

Jeffrey Lucas made a motion to say this is not a subdivision and to accept it as an ANR and was seconded by John Farrell, Jr. The motion passed unanimously.

Kaisa Cripps asked if this was a former farm and feels it is Chapter 61 Land and Mr. Roth said application does not indicate anything re: Chapter Land. Mr. Marchand does not know.

2. Form A - **Scott Winnett** - 27 Babbitt Street, Map 31B, 170, 171, 172.

Rene Fleurent, Jr. made a public disclosure that he heard a variance for the property and voted in opposition on it as a member of the Board of Appeals.

Mr. Roth said the Applicant is proposing to take the 4 lots and reconfigure them into two lots. Both lots have 10,000 sq. ft. Lot 1 has 103.5 ft. of frontage on Babbitt, Lot 2 has 100 ft. of frontage on Studley and 96.5 on Babbitt. The property is Zoned RA. There is 100 ft. frontage requirement, which the lots meet. They did receive a variance for the lot area and have referenced it on the plan. Mr. Roth noted it meets the requirement for Form A and recommends approval.

Mr. Hayward has objections.

Mr. Roth said the engineer had presented it as two lots and the plan has been revised to show all four assessor lots.

Mr. Fleurent, Jr. said it had not been presented that way, it was presented as two lots. (Discussion ensued.)

Ms. Cripps said the issue is it's not the same that was given to the ZBA.

Mr. Fleurent, Jr. said as Planning Board member, he does not have any objections as he felt the lots were held in common by the same owner.

Mr. Hayward felt they took an incorrect path to get there.

Rene Fleurent, Jr. made a motion to approve as presented on the Form A dated October 13, 2015, and was seconded by Wayne Hayward. The motion passed unanimously.

**C. PUBLIC MEETING**

1. Chapter 61A – Right of First Refusal – 237 New Boston

Wayne Hayward said they are asking to remove the 61A.

Mr. Roth said they have given notice. The purchase and sale price is \$565,000.

Mr. Lucas read from the cover and said Atlantic View, Inc. intention is running a wholesale/retail nursery/landscape business on the property after obtaining necessary permits. Mr. Lucas asked if this had been routed to other departments to see if there is any interest. Mr. Roth indicated the Selectmen are the final vote but it has gone to Assessors Office and Planning Board, which is a State requirement. (Discussion ensued.)

Mr. Hayward asked if they could do what they are proposing and doing it under 61A. Mr. Roth said farm, forest and recreation are the three chapter land requirements. (Discussion ensued.)

Mr. Farrell, Jr. asked if there were any adjacent parcels under 61A and Mr. Roth said Costa's Farm is adjacent to the north, which is in Chapter Land.

Mr. Hayward said they would have to have a use for it for the Town of Fairhaven to buy it. There is no sewer, but there is water.

Mr. Lucas said he did not see a Town use for it.

Ms. Cripps asked if they had a P&S and Mr. Roth said it is required. Mr. Roth asked if they felt there was a public purpose for the Town to buy it.

John Farrell, Jr. said a public safety complex was discussed.

Mr. Roth does not see any public purpose.

Wayne Hayward made a motion the Planning Board finds no public purpose for the Town to purchase the property at this time and was seconded by Kaisa Cripps. The motion passed unanimously.

**D. LONG RANGE PLANNING:**

1. Auto Dealer Use – Potential Zoning Amendment

Mr. Hayward said they were looking at a late November/early December hearing.

William Roth said after tonight, he would know definitively when to schedule a hearing.

- a. Striking out the outside overnight storage to 10% of total area. Mr. Roth said his feeling was the number of external vehicles or boats required shall per determined by Special Permit and intensity of use of the site and he believes it gives enough latitude and judgement call on a site-by-site basis.
- b. Mr. Roth also recommended removing "internally or". He is only talking about the vehicles stored outside.
- c. Take away "200 ft. zone residential" and just say "adjacent to a residential district";
- d. Remove the word "preliminary" because it is only site plans;
- e. On B, not "cars", it's "vehicles"
- f. C or "boats" and keep it consistent to say vehicles.

Mr. Hayward would like to see a draft with the changes removed. Mr. Roth said he would.

Mr. Lucas suggested changing the Use Regulation Table, the word "auto" to "motor vehicle"? Is there a difference between automobiles and motor vehicles and/or would it depend on the definition?

Mr. Fleurent, Jr. said most of these are gas stations in residential neighborhoods and they are growing and he feels it is detrimental to the neighborhoods. (Discussion ensued.)

Mr. Lucas suggested thinking about addressing motorcycles for storage, etc. Mr. Roth will make change from "auto" to "motor vehicles" and will use the definition that defines what motor vehicles are. (Discussion ensued.)

Mr. Lucas read from under B, every filling station, etc. 15 feet within the building line. To him, the building line would be after setbacks. Mr. Roth said the line is the setback. Mr. Lucas asked if that was clear in there. Mr. Farrell asked if that was in-line with underground storage. (Discussion ensued.)

Mr. Farrell suggested the Town Fire Marshall check the fire regulations. Mr. Roth will check with the Fire Chief. Mr. Hayward suggesting looking at filling station definition.

Mr. Roth will make changes and put in non-red-line form and will schedule a hearing.

Mr. Fleurent wondered how they would keep tabs on things and Mr. Roth feels putting in the 60 days, gives the Building Commissioner something to act on.

Mr. Roth will schedule the first hearing December 8, 2015.

## 2. Special Permit Bonds – Potential Zoning Amendment

William Roth said he left it on and does not believe there are any changes. Both Mr. Roth and Ms. Cripps have looked at the procedural rules on how they deal with it, they just seem to deal with it with Special Permit.

Kaisa Cripps said there is no formulas or procedures for it.

Mr. Roth did not write anything. Mr. Hayward said if they were on Certificate of Occupancy, then they could use a Performance Bond. Mr. Roth believes the standard condition has it now. (Discussion ensued.)

Mr. Hayward said if they had checkoff, at time of Certificate of Occupancy, if not done, it would require surety. It would be a check-off and require action.

Mr. Fleurent asked if they are included in Certificate of Occupancy and need to sign off before they can move in, why they would need a performance bond. Mr. Roth said they are not included and that is the problem and Mr. Roth gave a description.

Mr. Hayward asked in the 89 Account could be used to hold funds? Mr. Roth said that they have done that in the past for things such a street trees in a subdivision such as the Welcome Street Subdivision.

Mr. Roth was not proposing on adding anything to the procedural regulations and was planning on advertising the two bylaw amendments at the same time at the December 8<sup>th</sup> hearing. Mr. Roth said instead of procedural regulation revisions on how to implement Special Permit bonds he would recommend that a standard condition on Special Permits be written to deal with the improvements and getting the surety if needed prior to an occupancy permit. (Discussion ensued.)

Kaisa Cripps said if that happens, they should a defined number of days to finish project. Mr. Roth said depending on what it is. It goes on agenda and the Board decides.

Mr. Farrell thought it was something they would make a decision and require at the beginning of the project, not at the end if things were not closed out and if they could invoke the rule at any time in the project. Mr. Roth said the way to do it is to write a standard condition in the decision and gave a description. Ms. Cripps feels if that happens, they should have only "x" number of days to finish the project. Mr. Hayward noted only the authority of the Board can authorize it or take it away. (Discussion ensued.)

Jeff Lucas asked how they would monitor the smaller projects for Certificate of Occupancy and Mr. Roth indicated Mr. Fostin would let him know, so formalizing and sign-off would be much easier.

Mr. Hayward said if Town meeting fell through and they only had the sign-off that would be better than what they have today, but should have both.

Ms. Cripps concurs and feels the Board needs to push to make sure they are on the Certificate of Occupancy.

Mr. Roth suggested himself and Mr. Hayward speak with the Building Commissioner.

2. Master Plan Sub-Committee update - Rene Fleurent, Jr.

Mr. Fleurent said since the formation of the Sub-Committee, presently four members and looking for one more, they had one quick informal meeting with introductions and discussion of goals. One new member, Richard Griffith. They had structured meeting on September 7<sup>th</sup> where some guidelines were set and they are going to start looking at consultants/contractors to help with the Master Plan. The next meeting is scheduled for Wednesday, November 7, 2015.

Mr. Roth said he will speak to a few consultants, looking for several different scopes of services and look at a few different ones and an estimate to be able to come up with a number.

Mr. Fleurent said they would like to meet with a few different individuals. Mr. Roth said they are not interviewing consultants, they are asking consultants to give them scopes of services and estimates so they can figure what scope of services they want. Mr. Roth wanted to bring in SRPEDD and maybe one other consultant to come and talk with them to give an idea of what it is. The actual interviewing and hiring is after the money is approved by Town Meeting. The Planning Board will refine the scope of services of what they want. (Discussion ensued.)

Mr. Roth said it was suggested by Mr. Griffith to speak with the communities who have recently gone through this and ask questions.

Ms. Richard said they were also going to find out how the specific communities got the funding approved at Town Meeting.

**E. CORRESPONDENCE:**

None.

**F. OTHER BUSINESS:**

1. Oxford School RFP – Proposals &
2. Certificate of Occupancy Discussion

Ms. Cripps said the Board of Selectmen signed a \$25,000 study of the area and instead of waiting until the end of the study, are pressing forward on completely potentially changing the nature of that area without hearing the responses from the study and Ms. Cripps finds it very disappointing. (Discussion ensued.)

Mr. Hayward feels they are looking for any input they can get.

Mr. Lucas said parking in that area plays a major part. Mr. Hayward said parking is always an issue.

Mr. Roth said both of the proposals would come before the Board of Appeals. Mr. Roth also noted the the Selectmen have issues with the Stratford proposal and parking. (Discussion of Re-zoning.)

Mr. Farrell feels the offer is good and feels it is a good use of space, Stratford, and feels the low income housing is very successful and feels there is no negative impact. Ms. Cripps said that would be adding another 63 units when there is already no parking and then visitors.

Ann Richard said that was discussed at the neighborhood forum.

Mr. Hayward felt 40B turned the neighborhood off. There was discussion on age 55 or 62, would make a big difference. (Discussion ensued.)

Mr. Roth said there is a use restriction on Livsey Park from the State because they accepted money to refurbish so it could not be used for parking for any development. However, parking for the park and it's users could be created.

Mr. Hayward said the area needs more public parking.

Mr. Farrell asked if a parking garage would be out of question. Ann Richard said that was on the first proposal and the second did not.

Mr. Hayward suggested putting, as individuals, things in writing and submitting to the Board of Selectmen.

Mr. Farrell said they are talking about 63 units, not 600 and he feels it is a perfect site.

### 3. SRPEDD Commission Update – Rene Fleurent, Jr.

Rene Fleurent, Jr. said on September 16, 2015, there was a SRPEDD meeting and reports from the Chairman, Finance Committee and Southcoast Rail. There was positive feedback and asked everyone to keep pressure on. He feels that Southcoast Rail would be a dramatic improvement to the economics and social well-being of the community. There was Speaker from the State House who updated us on a Bill in front of the House that would change some bylaws that are being discussed. The Bill could be viewed on the SRPEDD website under the informational tab.

Kaisa Cripps looked up 31 Charity Stevens and noted it is marketed and listed as Chapter 61 and sold as Chapter 61.

Mr. Roth indicated he would like to switch the typical meeting and have the next meeting on November 17, 2015. There was no objection from the Board.

Kaisa Cripps made a motion to adjourn and was seconded by Wayne Hayward. The meeting adjourned at 8:14 p.m.

Respectfully Submitted,

Tracy White  
Recording Secretary