

FAIRHAVEN PLANNING BOARD
September 13, 2016
Town Hall Banquet Room

A. ADMINISTRATIVE BUSINESS:

Mr. Hayward opened the meeting at 6:31 p.m. and noted it was being recorded on the Government Access Channel.

Members Present: Chairman Wayne Hayward, Peter Nopper, Rene Fleurent, Jr., Ann Richard and Cathy Melanson.

Members Absent: Gary Staffon, Jeff Lucas and John Farrell, Jr.

William Roth, Planning Director, was also in attendance.

Acceptance of Minutes:

Ms. Richard motioned to accept the minutes of August 23, 2016; seconded by Ms. Melanson. The vote was unanimous.

Bills:

1. Engineering - #2 - GCG Associates, Inc.: Jose & Sherry Melo - \$1,140.00

Mr. Roth noted it is from the 89 Account for the second review.

Ms. Richard motioned to pay \$1,140.00 to GCG Associates, Inc.; seconded by Ms. Melanson. The vote was unanimous.

2. Legal Ad - Southcoast Media Group - Master Plan RFP - \$210.70

Mr. Roth advised it is coming out of the Planning Board Advertising Account.

Ms. Richard motioned to pay \$210.70 to Southcoast Media Group; seconded by Ms. Melanson. The vote was unanimous.

B. CONTINUED PUBLIC HEARING

1. Special Permit - Jorge & Sherry Mello, 232 Huttleston Avenue (cont'd from 8/23/16).

Mr. Al Ewing, Ewing Engineering as well as Jorge & Sherry Melo were present.

Mr. Hayward noted that no vote could be taken this evening due to lack of quorum. Mr. Hayward noted he will not authorize a vote on this until he receives certified Mullins Rule requests from Mr. Staffon, Mr. Lucas and Mr. Farrell, which needs to be done before next meeting. Mr. Hayward noted they could discuss tonight. Mr. Roth explained that the State Statute states that if a member misses a meeting, they need to review the record of the proceedings.

Mr. Roth reviewed the September 8, 2016, Memo #3, which was also sent to the engineer and comments reviewing layout of project, zoning requirements, dumpster location, lighting and the need to contact Mass DOT to see if new access permit will be required. Mr. Roth also reviewed the criterion which included safety of internal circulation and egress of traffic; adequate access to structures for fire services and equipment; that design provides adequate utility services and drainage facilities and landscape design, including a privacy fence. Mr. Roth stated that based on the findings presented and meeting the criteria, he recommends approval subject to the 17 conditions.

Mr. Ewing noted he felt it was a good plan and there was discussion on drainage, roof run-off.

Ms. Richard asked regarding Condition No. 3 & 4 if typical landscaping and screening for project phase II was discussed.

Mr. Hayward discussed the privacy fence.

Mr. Hayward noted meeting is in process with Melo project, SP and video recording just began at 6:58 p.m. due to equipment issues.

Ms. Richard asked regarding the abutting neighbor's concerns of fencing. Mr. Melo noted he thought he wanted a wooden fence. Mr. Hayward asked for the record to show that it will be a wooden fence.

Mr. Roth indicated it could be noted on the plan.

The Board members agree that a wooden fence is acceptable and the site distance of the fence should be discussed with Mr. Fostin and be noted on the plan as well.

Mr. Fleurent finds the application challenging. Mr. Fleurent feels it is industrial in nature and has concerns for the citizens. He noted there are 21 businesses in that area and feels it would be putting stress on the intersection and a distraction to other businesses. Mr. Fleurent also discussed the landscaping and obstruction was discussed. Mr. Fleurent also has concerns with who will be in the 7 other units and it is a landscaping business and the need for bulk material and fertilizers. Lastly, he feels the people supporting this, are the ones involved.

Ms. Melanson feels the applicant has changed the plan and is cooperating. She would be happy to see business like this in Town and feels they are following the rules. Ms. Melanson is in support of this.

Mr. Hayward has reservations regarding other businesses that may go in and would like some kind of assurance of what goes in. He does not have an issue with the traffic flow. Mr. Hayward feels Fairhaven needs to prosper.

Mario Isidoro of Weichert Realtors feels a lot of work has been put into this project and is in favor of it. Mr. Isidoro feels the property has been abandoned and is deteriorating and is in disagreement with the statement that was made regarding who this will benefit from this and who is in favor of this project.

Mr. Melo noted that the units would be small and tenants would be similar to Arsene Street.

Ms. Richard noted at the August 9, 2016, the owner of Arsene Street spoke in favor of it and would share a list of potential renters and there were people from the public who were there in support.

Mr. Hayward had discussion of procedurally how they move ahead and scheduling for the next hearing.

Ms. Richard motioned to continue Special Permit meeting until September 20, 2016; seconded by Mr. Hayward. The motion passed unanimously.

2. Preliminary Subdivision – V-Corp, LLC(3) – Earle Street (cont'd from 8/23/16).

Mr. Roth reiterated previous discussions, history and Staff Reports. The site gains sewer thru Jenny Street through an easement as shown on the Plans. When lots were Form A in the front, Mr. Roth made sure there was extra potential right-of-way to the west in the event of development could include a road. As per the Building Commissioner's letter regarding Lot 1, it was noted there is not enough square footage and Mr. Roth feels that in looking at the law, the lot is not owned by any adjacent parcels and that a case could be made that is a grandfathered lot. A merger is not applicable because there is a platted right-of-way. It is a difficult site to develop. Discussion of modification of Earle Street ensued.

Steve Gioiosa, SITE Engineering, noted they were proposing to improve the paper street, Earle Street. Mr. Gioiosa reviewed the plan and noted they would be improving the road surface and both lots would meet frontage standards. It would be limited for only the two existing house lots. The applicant would be willing to deed the homeowner the piece of triangular land if there was interest, which would improve the shape of their lot. Mr. Gioiosa noted they were looking to do a gravel surface, if the Board was in

agreement and a paved apron at Huttleston Avenue which would require a curb-cut permit with Mass DOT.

Mr. Roth noted the last proposal discussed moving the right-of-way and deeding the property so the house on 433 Huttleston Ave. is not split.

Mr. Hayward had discussion of design of standards, which have been modified to triple stone and not gravel is now the requirement and feels that will be dilemma. There was also discussion of the intersection with Earle Street and Route 6 because of encroachment of structure, referring to 3/22 Attachment 1-2, covering acute angles. The Conservation Commission approved plans requiring triple stone on 10/3/2013. Discussion of construction of Earle Street continued. Mr. Hayward also discussed the height of 35', a two-story structure and no higher and if garage is necessary, it should be attached and not under. Discussion of modifications and acute angles ensued.

Mr. Gioiosa noted he has reviewed the deeds. Mr. Hayward feels there is a strong case and Mr. Gioiosa said they will have a more definitive plan after tonight's discussion.

Mr. Hayward has pushed for the easement. Modifying Earle Street would create a larger lot and Mr. Roth noted it could be done and is under Chapter 322-14 Submission Content under No. 2. street standard under subdivision control to approve improvements to a paper street. Mr. Roth feels the street should be shortened.

Mr. Roth advised while not a requirement, he mailed First Class letters with the notice to direct abutters.

Mr. Garcia was present noted he owns the garage on Jenny Street that himself and Scott Messier shared. He noted that someone staked the road and Mr. Gioiosa explained the stakes represent a reference mark. They were not staking the property. Mr. Garcia also noted there was what looked like unsuitable fill put in. Mr. Garcia is going to try for approval to build 4-bedroom home. There is no home, just a garage on the property now. There is water and sewer and the easement is behind the garage. Discussion of road ensued, also discussion of Jenny Street and wetlands. Mr. Garcia is ok with the project. Mr. Gioiosa also addressed Mr. Garcia's question of unsuitable fill being taken care of with suitable fill. Mr. Garcia likes the proposal for the two homes.

Mr. Roth suggested they need to look at drainage for both homes. Mr. Gioiosa wanted input before they moved forward and next they will go to Conservation Commission for approval of soil testing, etc.

Ms. Richard motioned to accept the preliminary concept sub-division plan on Earl Street dated July 14, 2016, at this time; seconded by Ms. Melanson. The vote was unanimous.

D. LONG RANGE PLANNING: None.

E. CORRESPONDENCE: None.

F. OTHER BUSINESS:

Mr. Fleurent noted there is no SRPEDD meeting in August and will reconvene in September.

Ms. Richard motioned to adjourn; seconded by Ms. Melanson. The meeting adjourned at 8:22 p.m.

Respectfully Submitted,

Tracy White,
Recording Secretary