



TOWN OF ACUSHNET

MASSACHUSETTS

OFFICE OF THE PLANNING BOARD
122 MAIN ST.

ACUSHNET, MA 02743

<http://www.acushnet.ma.us>

FAX: (508)998-0203

Acushnet Planning Commission

Regular Meeting and Public Hearings

February 18th, 2021

This meeting was held remotely via Zoom Meetings.

Open: 6:35 p.m.

Adjourn: 8:32 p.m.

Present: Marc Cenerizio, Chairman
Bryan Deschamps
Rick Ellis

Absent: Mark DeSilva, Sr.
Phil Mello

Issue: A motion is made to open the meeting.
So moved: R. Ellis
Second: B Deschamps
Vote was 3 for, 2 absent.

Issue: Public Hearing (Continuation): Proposed Commercial Development – 158 Main Street, 166 Main Street, and 17 Wing Road, New England Retail Development LLC, applicant; represented by Patrick McLaughlin, P.E. – GPI/ Greenman-Pedersen, Inc. Site Plan Review and Approval required. The applicant is withdrawing their application and submitting a new plan.

Marc Cenerizio states that New England Farms is withdrawing their original application and submitting a new proposal. A motion is made to accept the withdrawal of the plan.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.
Vote was 3 for, 2 absent.

Issue: Proposed Commercial Development – 158 Main Street, 166 Main Street, and 17 Wing Road, New England Retail Development LLC, applicant; represented by Patrick McLaughlin, P.E. – GPI/ Greenman-Pedersen, Inc. Site Plan Review and Approval required. This proposal is for a gas station and convenience store within the Business Village District. The applicant is seeking a public hearing.

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Frank Monteiro, a site engineer from Greenman-Pedersen, Inc., is present and notes that the applicant was last before the board January 21st and decided to withdraw the application and submit a revised site plan. They are asking the board to accept the new application and set a public hearing date.

Marc Cenerizio reminds the Board and the public that there is no question and answer period tonight, as this is simply a request for a public hearing. The public will be allowed to speak at the following meeting's public hearing.

Mr. Monteiro shows the original and revised plans and explains the major differences. There are three driveways on Main Street and one driveway on Wing Road. There are four fuel dispensers under a fuel canopy. The drive-through lane has been eliminated, as has one of the proposed driveways on Main Street. The size of the building has been reduced. The initial plan was 4,285 square feet and the new proposal's building is 3,995 square feet.

Revised elevations have been submitted as well. The side of the building facing Main Street has been embellished and improved architecturally. A hedge row has been added between the building and the road.

A motion is made to accept the submission and set a public hearing date for March 18th at 6:45 pm.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps – Aye, Cenerizio- Aye.

Vote was 3 for, 2 absent.

Issue: Public Hearing (Continuation): Proposed ground mounted solar array (5MW) located at 52 Morse's Lane known as Acushnet Assessor's Map 17, Lots 24, 24B and 24C, for Borrego Solar Systems, Inc., represented by Brandon Smith, PE, of Borrego Solar Systems, Inc, Lowell, MA, 01851.

Marc Cenerizio reads an e-mail from Brandon Smith of Borrego Solar Systems, Inc. requesting a continuance to the next meeting for the 52 Morse's Lane case.

A motion is made to accept the request and continue the hearing to the next meeting.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

The matter is scheduled for March 18th at 7:15 pm.

Issue: Mail was reviewed, and is attached to these minutes.
Marc Cenerizio states that a bill was received from Southcoast Media in the amount of \$459.96.

A motion is made to pay the bill from Southcoast Media.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Brandon Smith of Borrego Solar System inquires about 251 Mendall Road. Marc Cenerizio explains that a special permit approval was obtained in October of 2020 and they were waiting for the certificate of action. The Board then reviews the certificate of action with the conditions.

Marc Cenerizio inquires as to whether a decommissioning amount has been acquired from S.W. Cole. Mr. Smith says yes, that the estimate amount is included in the document and is \$195,000.

Mr. Smith notes that the special permit approval document was signed at the November 2020 meeting, but there were clerical issues, which is why it needs signing now.

There is discussion about the decommissioning fee and how it gets worked out with finance.

Rick Ellis notes that this is simply correcting a clerical error.
A motion is made to sign the document in question.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

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Issue: Proposed ground mounted array at 14-47 Park Drive, Syncarpha Park Drive LLC of New York, NY applicant; represented by the applicant's Engineer, Weston & Sampson of Reading, MA. This proposal is for a 5 MW (AC) ground mounted solar array. The applicant is seeking a public hearing for a Special Permit and site plan review.

Rob Bukowski is present from Weston & Sampson and expresses their desire to have a public hearing at the next meeting.

A motion is made to set a public hearing date for the proposed ground mounted array at 14-47 Park Drive.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps – Aye, Cenerizio- Aye.

Vote was 3 for, 2 absent.

The public hearing is scheduled for March 18th at 7:35.

Mr. Bukowski notes that since submission, they have been speaking with the Fire Chief and with Patrick Hannon. The Fire Chief has expressed his preference for 20-foot access 360 degrees around the arrays, so they will be making some changes to the plans, shifting some of the panels around, and potentially revising the stormwater plan that was submitted.

Issue: There is discussion about signing documents for solar projects at 355 Main Street and 550 Main Street, projects that have been continued for several years. Rick

Ellis notes that if S.W. Cole has accepted both of these, this is just a procedural matter, and that there is no reason not to sign if S.W. Cole is satisfied.

A motion is made to sign the performance secured by deposit of money for 550 Main Street in Acushnet, Massachusetts.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

A motion is made to approve and sign the performance secured by deposit of money for the property at 355 Main Street in Acushnet, Massachusetts.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps – Aye, Cenerizio- Aye.

Vote was 3 for, 2 absent.

Issue: Discussion of switching papers from The Advocate to the Fairhaven Neighborhood News for advertising, effective February 19th, 2021.

A motion is made to switch advertising to the Fairhaven Neighborhood News.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Marc Cenerizio notes that there is a common drive on Main Street from the last two or three months and a form that must be obtained and signed from the Town Clerk for the final release for the common driveway off Main Street.

A motion is made to accept the paperwork generated by the Town Clerk.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Marc Cenerizio says that the administrative assistant Donna Ellis is consulting, but will likely not be returning to work. Rick Ellis also inquires as to the status of acquiring a new Planner. Marc Cenerizio says they will soon be sitting down with the Town Administrator to address the issue. There is discussion about the extra work load that the Chairman has been taking on.

Marc Cenerizio mentions that Patrick Hannon has been brought on as a Special Project Manager for the Selectmen and may be able to help out somewhat.

Issue: Proposed solar array at 1052 Main St., Nancy Brito, applicant; represented by Steve Gioiosa of SITEC, Inc., Dartmouth, MA. The applicant is seeking a public hearing for a special permit and site plan review.

Steve Gioiosa of SITEC, Inc. shows the plans to the Board and explains the orientation of the project on the far east end of the 1052 Main Street property. The wetlands on the property are confined to an area on the western edge of the site, with an area of undisturbed trees. They are not proposing any changes to the

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wetland areas, but will be working within the 100-foot buffer zone. A fence line is provided around the entire array as required by regulation. A broad turnaround radius is allowed on the access road for emergency vehicles and for long-term maintenance of the facility. Mr. Gioiosa notes that drainage computations and supporting documents have been filed with the Board as required, and that tonight they are hoping to obtain a public hearing, then adds that there is no major earth work being done other than to create stormwater management berms that will work with the natural topography.

Rick Ellis comments that the Fire Chief typically is looking for a twenty-foot perimeter of access around the whole site, and assumes the same thing would be asked for in this case. Mr. Gioiosa states that that was not an issue that came up in the previous project they had permitted through the town at 1050 Main Street and that they had made adjustments based on his feedback for that site, and adds that they will meet with the Fire Chief prior to the public hearing.

A public hearing is set for March 18th, 2021 at 8:00.

Patrick Hannon, Special Projects Manager, establishes that the Fire Chief indeed wants a twenty-foot radius 360 degrees on all sides for all solar projects going forward, and also wants either a fire hydrant within 500 feet or two 500-gallon cisterns, and a vegetation control plan.

Issue: Proposed solar array off Cushing Lane. White's Farm, Inc., applicant; represented by Steve Gioiosa of SITEC, Inc., Dartmouth, MA. The applicant is seeking a public hearing for a special permit and site plan review.

Steve Gioiosa of SITEC Inc. describes the solar project and shows the plans. The modules are located off of a cul-de-sac off Cushing Lane in an area that has traditionally been a cultivated field. The wetlands have been mapped and Mr. Gioiosa shows them on the plans. A wooded area would be preserved against the wetlands as a buffer. Some areas would need to be cleared to accommodate the project. Access comes off Cushing Lane and goes down to one corner of the array, but Mr. Gioiosa notes that that will likely change based on the new direction that has just been mentioned regarding the preferences of the Fire Chief. There are two equipment pads and a perimeter fence. They do intend to add some plantings to the plans before the next meeting to isolate the project a little more.

Mr. Gioiosa continues, acknowledging that drainage analysis has been done and drainage has been balanced out to adjust for the fact that the area will no longer be a cultivated field. They are looking to get on the next agenda for a public hearing.

Rick Ellis says it would be helpful with solar projects to have a locus map that shows clearly where the nearest residential units are, as the proximity of the closest house is very important information for the Board to know.

Mr. Gioiosa says they will present an aerial photograph with their next presentation, with the plans superimposed.

A motion is made to add the case to the March 18th agenda.

So moved: R. Ellis
Second: B. Deschamps
Roll call vote Ellis- Aye, Deschamps – Aye, Cenerizio- Aye.
Vote was 3 for, 2 absent.

The matter is set for 8:25 p.m. on March 18th.

Issue: Informal discussion regarding a Form C subdivision plan approved by the Board for Cushing Lane in 2011. White's Farm, Inc., applicant; represented by Steve Gioiosa of SITEC, Inc., Dartmouth, MA. The mylar is missing and it is requested that a new one be signed.

Steve Gioiosa of SITEC, Inc. shows a replacement mylar for the property in question that was created in 2011, dated August 15, 2011 in which a subdivision was proposed. The plan was reviewed as a definitive subdivision and approved and endorsed by the Board, but somewhere between the endorsement stage and the required recording stage, the mylar was lost. A new mylar has been prepared in the hopes that the board would be comfortable endorsing it so that it can be recorded with no changes at the registry of deeds.

There is discussion about the need to compare the newly prepared mylar to a print the Town may have on record. Rick Ellis asks if it would be possible to have S.W. Cole compare the two plans, as he feels this is too much to be asked of the Board members. A motion is made to request from the selectmen the ability to hire S.W. Cole to review the plans and ascertain that they are identical.

So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

Issue: Public Hearing (Continuation): Form B Preliminary Subdivision plan for a 6-lot development at 301 Perry Hill Road for Mark Francois, applicant; represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisett, MA 02739. This plan is located on an established ancient way which predates subdivision control regulations. The way is a gravel roadway of variable width, between 14-20 feet, and currently services three homes. The case file is available for viewing in the Town Clerk's office, by appointment only.

Dave Davignon is present representing the case, and explains that Mark Francois currently has three retreat lots and is looking to reconfigure and put in a definitive subdivision road. At the last meeting, a memo was generated and submitted to all the Town departments and boards to solicit input and only the Building Commissioner got back to them.

Richard Burke, attorney for Mark Francois, is present to address the concerns mentioned in a letter from the Building Inspector that was dated February 2, 2021. He feels the points raised by the building inspector were more directed toward an ANR plan but, with this current submission, they are to be filing a full form C subdivision. The other major change on the plan from what was previously before the Board is the relocation of the new roadway to be entirely on Mark Francois's property, in order to avoid arguing about the right to use the ancient way that is on

the property of both Mark and Dean Francois. Attorney Burke adds that the Building Commissioner was also concerned about additional development on the way, but that the Board signed a plan in February of 2012 which only allowed one house lot on the Tripp's property at the end of the way. Additionally, by putting the right of way only on Mark Francois's property, it would not allow Dean Francois to further develop his property, therefore Attorney Burke feels the Building Commissioner's concerns about further development have been addressed.

Dave Davignon mentions that at the last meeting they went over the waiver list and nothing has changed. He feels they can move forward with the formal filing of a definitive subdivision set of plans, but would like to hear further feedback from the Board, and he is hoping to get a vote of approval for the preliminary plan.

Bryan Deschamps asks if there is input from the homeowner at the end of the way. Mark Francois is present and says he has spoken to that homeowner, who knows his intentions and has not said anything either way about the development, but is pleased to be getting an asphalt road.

Rick Ellis says he is struggling, as this is not a three-lot subdivision with retreat lots, but a regular subdivision road with a lot of waivers being sought. He is concerned that acceptance of the road by the Town would eventually be requested, and is uncomfortable with approving the project, concluding that he is inclined to vote disapproval for the preliminary subdivision plan.

There is discussion about the difference between what is being proposed and the projects with gravel roads that have recently been approved. Rick Ellis says that he would be more comfortable with three lots and a gravel road, and that he does not see the project currently being discussed as anything comparable to these other projects, as this owner is looking to maximize the number of lots he can have on the property. Further discussion occurs comparing other recently approved projects to the current proposal.

Rick Ellis states that one major issue is that the ancient way's purpose was just to grant access to the one lot in the back, which was, in his understanding, also the opinion of Town Counsel and the Building Inspector. Attorney Burke says he felt Town Counsel's opinion was that there was sufficient proof to be able to utilize the ancient way for access.

Rick Ellis adds that Town Counsel also said that to further develop the property, a Form C subdivision is the proper route to go, and that he does not see any right to develop additional lots, as the ancient way was put in place only to service the piece of land in the back.

Attorney Mark Deshaies, who represents Dean Francois, is present, and explains that he still disputes the validity of the ancient way, as it was only intended to service one home.

Rick Ellis says that there is a big difference between an ancient way that was

originally put in only to service one lot, and a subdivision approved prior to subdivision control.

Dave Davignon further questions whether the Board would be more comfortable with three lots on a gravel driveway, and there is discussion about what kind of adaptations to the subdivision plan would be more palatable to the Board.

Rick Ellis asks that a plan be put together with the original retreat lot layout and the lots presently being proposed. Dave Davignon requests to be on the agenda next month with a new plan.

The matter is scheduled for March 18th at 9:00.

Issue: Rick Ellis asks if it could be brought up with the Selectmen to utilize S.W. Cole for some of the things that previously were done by Henry Young, former Planner.

Bryan Deschamps agrees this is a good idea, adding that that this is the most activity he's seen in his time on the Board. Marc Cenerizio mentions that the new project manager for the Selectmen, Patrick Hannon, may be able to help.

Patrick Hannon is present and says he does indeed have the ability to help, and is completely willing to do most of what Henry was doing on a temporary basis.

Marc Cenerizio says he will talk to the Town Administrator about the matter.

There is additional discussion about the number of projects currently being proposed and the limited amount of manpower with which the Planning Board is currently operating.

Issue: Rick Ellis notes that he would like to have some hours approved for Mr. Hannon to review the setback by-law that was discussed earlier. Mr. Hannon says that reviewing the by-laws is part of the special projects portion of his job.

Rick Ellis adds that the purpose of retreat lots is to decrease the footage of road that the town must have responsibility for and to reduce the population density for undeveloped areas of town, which is a good alternative to subdivisions, and notes that most people don't understand that a property owner has a right to subdivide as long as they conform with the rules and regulations. Rick Ellis talks about the history of subdivisions and additional roadways constructed in the town. There is additional discussion among the Board about the 150-foot setback issue and the intended changes to the by-law.

Issue: A motion is made to adjourn the meeting.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

Respectfully Submitted,
Jenn Brantley

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