



# **TOWN OF ACUSHNET**

## **MASSACHUSETTS**

**OFFICE OF THE PLANNING BOARD**  
**122 MAIN ST.**  
**ACUSHNET, MA 02743**  
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*Handwritten signatures and initials in the top right corner.*

### **Acushnet Planning Commission**

### **Regular Meeting and Public Hearings**

### **April 22, 2021**

This meeting was held remotely via Zoom Meetings.

Open: 6:35 p.m.  
Adjourn: 9:37 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: B. Deschamps  
Second: R. Ellis  
Vote was 3 for, 2 absent.

Issue: Minutes of March 18, 2021

A motion is made to accept the minutes from March 18, 2021.  
So moved: B. Deschamps  
Second: R. Ellis  
Vote was 3 for, 2 absent.

Issue: Mail was reviewed, and is attached to these minutes.

Issue: The Stormwater Review Board Meeting is continued to May 6<sup>th</sup>. Marc Cenerizio notes that there will be several articles to discuss on that evening's agenda for Town Meeting.

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. This proposal is for a gas station and convenience store within the Business Village District.

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Mickey Higgins, applicant, and Phil Lombardo, attorney, are present to discuss the plans, as are Frank Monteiro and Heather Monticup from GPI. Mr. Monteiro shows the plans and states that significant progress has been made with the abutters. On March 23<sup>rd</sup>, the ZBA granted approvals for a convenience store larger than 3,000 feet and they were granted a variance regarding the signage. Since then, Mr. Higgins has continued conversations with abutters and made the following changes: maintaining the existing evergreen tree in the northeast corner, adding some Bradford Callery Pear trees along the roadway, and changing the arborvitae species to the Green Giant species that had been requested by Josh Desroches at the previous meeting. Mr. Higgins also agreed to install a cantilevered gate that would be locked from 5 p.m. to 7 a.m. each day for the loading zone.

Mr. Monteiro continues, stating that all peer review comments from S.W. Cole have been addressed and forwarded to the Board.

Heather Monticup from GPI discusses the crosswalk, mentioning that she had a meeting with the Police Chief and there is an updated plan since the Chief had wanted a crosswalk across Wing Road in addition to the one across Main Street. The final design will be coordinated with the Police and DPW as needed.

Ms. Monticup also presents the results of the requested gap study, which was looking for gaps of eight seconds or more, and found that the site used less than 50% of those available gaps, and concludes that there are more than enough gaps to accommodate the traffic generated by the site.

Rick Ellis says he read the letter and he was surprised at how many larger gaps there were, and doesn't see that there should be any problem here, especially considering there is no longer a drive-through.

Marc Cenerizio observes that the concerns of the abutters and the Police Chief seem to have been well addressed.

Gary Hathaway, local business owner, inquires about joint ventures inside the store and whether any were factored into the traffic study. Mickey Higgins says that having a co-tenant inside the store was an opportunity that ended when they conceded the drive-through. No joint ventures are planned. There is discussion about the traffic, and Rick Ellis says he is satisfied with the traffic situation and in full favor of going forward with the proposal as presented tonight. Bryan Deschamps and Marc Cenerizio agree that everyone seems to be happy with the current situation.

Josh Desroches, an abutter, says he is happy with the changes the applicant has made but asks to see documentation of several items on the plan. He then asks whether the drive-through issue is totally out of the question now or whether it might come up again in the future. Rick Ellis says that in that case, the applicant would have to seek a variance from the ZBA again and that if they did so in the future, the abutters would once again have the opportunity to address it in a public meeting. Mr. Desroches thanks Mr. Higgins for working with him and thanks the Board for their time.

A motion is made to approve the submission for site plan approval as presented tonight by New England Retail Development with the latest revision on the site plan dated April 22<sup>nd</sup>, 2021, adding that they must continue to work with the Police Chief on the crosswalk situation.

So moved: R. Ellis

Second: B. Deschamps

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

Vote was 3 for, 2 absent.

The project is approved and will move forward.

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.

Brandon Smith is present from Borrego Solar Systems and addresses the outstanding items since the last meeting. They have responded to comments from S.W. Cole on stormwater and submitted revised plans. Changes include revisions to the grading and erosion control sheet to address proper removal of erosion controls, and documentation in the long-term pollution prevention plan that there would be no chemical herbicides used. Another change made based on feedback from the last meeting was language added to the traffic management plan reflecting that they will be working with the Police Department to notify and coordinate during construction.

Lastly, Mr. Smith adds that they are working with Patrick Hannon to ensure the plans meet the Acushnet Fire Department requirements. They have added a 1,500-gallon cistern. The energy storage units will have 24/7 monitoring with an alarm compatible with alerting the fire department of emergencies.

Rick Ellis asks if a decommissioning cost has been agreed upon, and Mr. Smith says that they have accepted S.W. Cole's number. Rick Ellis then says that the applicant should notify the Police Department of all construction and deliveries, which ought to be added to the list of conditions, that stormwater has been reviewed, and that it seems like it is time to approve the project.

Marc Cenerizio reads a letter from Police Chief Christopher Richmond that outlines general considerations for solar projects going forward, including: properly securing valuables and equipment during construction phase and posting no trespassing signs, notifying the police and fire departments with a 24-hour point of contact for the project, providing a point of contact to the public safety departments as well once the project is done, taking special care to avoid deliveries during off hours, access rights for fire and police departments once fencing is installed, and protocols to avoid false alarms.

Marc Cenerizio asks if the public would like to speak, and no one does.

A motion is made to assemble an order of conditions relative to this project for approval.

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 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.

Rob Bukowski from Weston & Sampson is present and says he will run through the outstanding items from last meeting. First, they received and responded to the peer review of stormwater by S.W. Cole and shared response with Patrick Hannon. They have now spoken to the Police Chief who had no major concerns as far as volume of traffic but requested deliveries come in from the west off of Route 18 to Randall Road to Park Drive.

An abutter on the west side of the proposed access road had asked for a fence along his property line. Annie Jung from Syncarpha is also present and says that they have offered to put up a vinyl fence after construction, and a mesh lined fence during construction to shield the abutter's property. Bryan Deschamps asks if it will go the full length of the abutter's property. Ms. Jung says it goes up to the trees in the back, about 95 feet.

Rick Ellis states that temporary signage might be a good idea to establish a truck route due to the strange path they must take. Ms. Jung says this is something they can definitely do.

Mark Morad, the abutter who had requested the fence, said he received Ms. Jung's e-mail and intends to reply, but appreciates their willingness to work with him on the fence.

Marc Cenerizio asks if there has been a decommissioning number reached, and Ms. Jung says they can send their number to S.W. Cole for review. Patrick Hannon requests a copy as well.

Bryan Deschamps observes that the Board cannot move forward without this number. Mr. Bukowski asks if it would be possible to obtain a conditional approval based on S.W. Cole's acceptance.

A motion is made to have a draft set of special conditions drawn up for review and hopefully approval at the next meeting.

So moved: R. Ellis

Second: B. Deschamps

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

Vote was 3 for, 2 absent.

A motion is made to continue the hearing to May 20<sup>th</sup> at 7:15.

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 solar array at 1052 Main St., Woodridge Renewables, LLC, applicant; represented by Steve Gioiosa of SITEC, Inc., Dartmouth, MA.

Steve Gioiosa from SITEC describes the solar project proposed at 1052 Main St. which extends over to Cushing Lane. He shows the plans and explains the changes since last meeting. Mr. Gioiosa reviews the changes to the drainage plan based on the feedback that was received from S.W. Cole, as well as changes made based on feedback from the Conservation Commission. They have also added a row of evergreens based on feedback from abutters.

Rick Ellis says that the Fire Chief has asked for a ring road surrounding solar projects. Patrick Hannon says he met with the Fire Chief and the Building Inspector and concluded the policy would require a fourteen-foot 360-degree gravel road.

Rick Ellis asks about the drainage and Mr. Gioiosa further details the current patterns and calculations, assuring the Board that they are covered for hundred-year events.

Rick Ellis says the Police Chief should be notified of trucking of materials during the construction phase and that respect should be shown to the neighbors.

Marc Cenerizio issues a reminder that whenever any paperwork is submitted to the Board, it must be in by the Friday before the meeting. Not everything the applicant submitted was able to be time stamped and distributed to the Board on time.

Rick Ellis says the Police Chief's letter should be provided to this applicant as well, and to all solar array applicants, and says S.W. Cole must be contacted to make sure the decommissioning amount is agreed upon.

There is discussion about how to manage truck traffic for solar projects.

A motion is made to continue to May 20<sup>th</sup> at 7:30 pm.

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

Mr. Gioiosa confirms that the only change he is being asked to make is incorporating a 14-foot gravel path around the array.

Issue: Public Hearing (Continuation): proposed solar array off Cushing Lane, Acushnet Assessors Map 7, Lot 26. White's Farm, Inc., applicant; represented by Steve Gioiosa of SITEC, Inc., Dartmouth, MA. The case file is available for viewing in

the Town Clerk's office, by appointment only.

Steve Gioiosa of SITEC shows a map of the project in conjunction with the other project SITEC is involved with which was just discussed, 1052 Main St. S.W. Cole asked that they put this exhibit together so both projects could be seen side by side. Mr. Gioiosa notes that Cushing is a bigger project but similar, located at the south end of Cushing Lane. Access is off Cushing Lane into the project and they have created an access path onto the site. They have talked to the Fire Chief about a single larger cistern which would provide emergency water for both projects, and have maintained an open path around the perimeter well in excess of 14 feet, and would like to hear comments regarding whether it ought be gravel.

S.W. Cole has reviewed and requested language be added to the plan to reflect the maintenance of the erosion barrier, which has now been added. They asked that a drainage swale be designated in an easement area, so a thirty-foot wide easement has been added to the plan. Lastly, landscape plantings have been added on the outside of the enclosure for the project for the closest residential neighbor's benefit, even though they were not heard from at the last meeting.

Rick Ellis says that since this is a field now, they don't want fire apparatus getting stuck, so may require more than just two inches of gravel or crushed stone over the outside edge, as it needs to be stable in all seasons so the fire department can get equipment around the site. Mr. Gioiosa says they will provide a cross-section on the plan.

Patrick Hannon asks about the cistern, and Mr. Gioiosa says it is 3,500 gallons since it is taking care of two projects.

Rick Ellis asks if there will be mass removal of loam off the site. Steve Gioiosa says no; they are not looking to make major grade changes and, if anything, would just be repositioning soils on the site.

Mr. Gioiosa then mentions the missing mylar issue previously discussed at prior meetings and asks the Board to consider signing the replacement mylar that John Romanelli has provided for the next meeting.

Rick Ellis requests that they get the new plan and the existing plan to Patrick Hannon so he can look over it in detail, and Mr. Gioiosa agrees.

A motion is made to continue to May 20<sup>th</sup> at 7:45.

So moved: R. Ellis

Rick Ellis notes that S.W. Cole should agree to decommissioning before the next meeting, and Patrick Hannon says he will follow up.

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.

Dave Davignon shows the plans, noting that at the last meeting the Board was considering two options – a 5-lot layout with a paved road and a 4-lot layout. This evening they would like to ask the board to vote to approve the four-lot gravel road concept, with one lot being the existing house. They realized after the last hearing that the abutter at the end of the way has an issue with the pavement, so to make them and Dean Francois happy they are placing it all on Mark Francois's property and building a twenty-foot wide gravel road as had been discussed previously.

Rick Ellis says this looks similar to what happened at Peckham Road recently, and that he thinks it's a reasonable proposal that would not be creating any situations that the Board would later regret. Bryan Deschamps agrees.

Marc Cenerizio asks if the way is private, and Dave Davignon confirms that it is, adding that a homeowners association would be responsible for maintenance and trash pickup.

Attorney Chris Saunders is present, representing Maria Amaral from 309 Perry Hill Road, the property at the end of the site plan. He states that his first concern is the designation of the road on the plans as an ancient way. His next concern is traffic on the new road, and he wants it reconfigured for safety reasons.

Mr. Davignon says that a stop sign could be proposed at the intersection for people coming from Perry Hill Road so that the abutters can have the right of way unimpeded. He then explains some of the history of why the ancient way is claimed to be such, but says they are improving the current width to twenty feet, and is no negative drawback for the abutting properties.

Attorney Saunders says a stop sign placed on private property is unenforceable.

Attorney Marc Deshaies, representing Dean Francois, echoes both of Attorney Saunders's concerns, expanding on the issue of whether the road is an ancient way and how the roads will intersect with each other. He adds an additional safety concern about there being two driveways close to each other coming out onto Perry Hill. Mr. Davignon says that the area is wide open with no obstacles and believes that traffic on the roadway will be minimal anyway for just three new homes, and that the safety concerns are being overstated. There is additional discussion about the safety of the driveways.

Rick Ellis says it seems there is never going to be a good agreement between parties in this case, but doesn't see there being a tremendous traffic concern here, adding that he feels the ancient way issue is irrelevant. He believes this proposal is reasonable, and better than having three retreat lots with three different driveways. He also observes that a traffic study might be helpful.

A motion is made to approve the proposal as a Form B subdivision plan as presented, keeping in mind that approval of this plan has no bearing on what will happen when they come in with a final plan.

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

Issue: Public Hearing: Proposed solar array at 540R Main Street, TJA Clean Energy, applicant; represented by Asa Smith of Atlantic Design Engineers, Sandwich, MA.

Rick Tabaczynski is present from TJA Clean Energy. He shows the plans and describes the project, a 12.9 acre solar array on the southwest portion of a 38.9 acre property off Main Street. There will be a cleared agricultural field in the middle of the site, and the remainder will be fully vegetated. Mr. Tabaczynski updates the Board on where they stand with the Conservation Commission, as he feels they have approval. What they are currently working on is related to the Natural Heritage and Endangered Species Program. The applicant has provided to the Board an e-mail from the Division of Fisheries and Wildlife stating that if the project is designed according to the current plan, it is something they would consider approving.

A good portion of the property is required to be reserved as open space and filings have been made with the Natural Heritage Program to get the plan approved.

An access drive is proposed coming off an existing driveway off of Main Street and will be extended through the middle of the site. There will be three pad sites for electrical equipment and energy storage systems. The panels will have a fixed mount or a tracking system and will be a little over 5 MW DC. There will be a secured fence with a gate at the entrance. Screening is proposed along the west side of varied species of evergreens planted in a staggered pattern. A fence with green vinyl slats is proposed instead of chain link. Mr. Tabaczynski then describes the stormwater plan.

S.W. Cole has reviewed and has some comments which have not yet been addressed in the plans, as input from the Board was desired before augmenting the plans. However, they feel they can address those comments in their new plan as well as those they heard tonight from the Fire Department in regard to other projects.

Because a portion of this land was on 61A, Marc Cenerizio reads a memo from the Board of Assessors stating that the Assessors met on March 30 2021, and recommended by a 3-0 vote to forgo the right of refusal. Another letter is read from the Board of Selectmen stating that on March 30, 2021, they voted not to exercise their right of first refusal for 540R Main St.

Rick Ellis inquires about the stormwater impact on abutters, and further details are provided by Mr. Tabaczynski, who says that there is a channel that flows down to the south that avoids runoff to adjacent houses, and that they can include documentation to clarify. The members of the Board then offer feedback on areas of the site that may require redesigning for fire department access, mentioning that the Fire Chief will need to be consulted.



Prompted by Marc Cenerizio, Rick Ellis mentions that a solar array is an allowed use by state law; approvals can be conditioned but the project cannot be denied.

Marc Cenerizio asks if the public would like to speak, and no one does.

A motion is made to continue to May 20, 2021 at 8:00 pm.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Marc Cenerizio reiterates that all submissions must be received the Friday before the Planning Board meeting where they are to be discussed.

Issue:

Informal discussion with Zenith Consulting Engineers about Pembroke Avenue and Bradford Street, and an as-built.

John Romanelli is present from Zenith Land Surveyors, and explains that they came before the Board late last summer or early fall to do a roadway improvement project on Bradford Street – mistakenly listed on the agenda as “Bedford Street”. The Detera brothers have constructed the new Bradford Way. Mr. Romanelli reviews the details of the site. The Detera brothers have spoken with the building inspector and are looking to get two lots released, the third to be released once a basin is constructed.

Rick Ellis asks if the DPW is satisfied with the construction of the road. Mr. Romanelli says yes and also shows a photograph of the road in its current state.

Rick Ellis asks what the lots are worth, since one is being held in lieu of finishing up the construction. Mr. Romanelli says \$80,000 to \$100,000 per lot.

Rick Ellis observes that the request seems reasonable, as the last lot should be a financial incentive to get the work completed.

A motion is made to release lot 481-1 and 481-2 as shown on the plan presented by Zenith Land Surveyors.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Mr. Romanelli then asks about the possibility of getting a portion of Bradford Street rezoned. Rick Ellis says they don't want to get into a situation where these are being done piece meal, and would like to get an idea of the broader area and of how the Selectmen feel about it.

Mr. Romanelli asks how to go about re-zoning. Patrick Hannon says they could either ask the Selectmen to submit a warrant article, or they could submit a Citizen's Petition, and adds that it would not be possible to do until next Spring.

Rick Ellis asks what kind of expense and timeframe the Detera brothers are looking at to finish the Road, so the Board can consider that before approving.

Mr. Romanelli says he will get this information before the next meeting.

The applicant will return on May 20<sup>th</sup> at 8:15.

Issue: Form A: 7-9 Kendrick Street - Kevin Murray, applicant, represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisett, MA

Matt Leone from Schneider, Davignon, and Leone states that he is representing Kevin Murray, seeking an ANR endorsement for a lot line adjustment which is attempting to better balance the size of the lots and to match the current occupation of the two properties. 7 Kendrick Street is known as lot 99A on Assessors Map 18. It currently has 50 feet of frontage on Kendrick and 5,000 square feet of area. 9 Kendrick Street, the lot to the North, lot 100 on Assessors Map 18, has 125 feet of frontage and 12,500 square feet of area. They want to move the northerly sideline 22 feet over northerly towards the existing dwelling and lot 9 right along the existing stockade fence. This will allow for the current paved driveway and new sewer line to all be located on lot 99A as well as balance the site and make it more as it's being used today. The resulting Lot 99A will have 72 feet of frontage on Kendrick Street and a total area of 7,200 square feet. The resulting new lot 100 will have 103 feet of frontage and a total new area of 10,300 square feet. The owner has already gone before the ZBA on February 23<sup>rd</sup>, and been approved.

They are looking for an endorsement that it does not require subdivision approval and that they can record the plan.

Rick Ellis notes that there are no new dwellings and it's just an exchange between neighbors. A motion is made to approve the plan as submitted.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Form A: Mendall Road -Russ Dubois, applicant, represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisett, MA

Matt Leone shows the plans and explains the intention to reconfigure an existing retreat lot on Mendall Road. The plan was approved by the Planning Board in 1999 and shows the existing lot 9, where the bordering vegetating wetland line encompasses a good deal of the lot and they were trying to incorporate some additional upland area off additional land that Mr. Dubois owns, map 9 lot 18A. The intent is to take a portion of Map 9 Lot 18A as parcel A and incorporate it into the existing retreat lot and have a new lot. The resulting lot will have a contiguous upland area of over 123,000 square feet, which is compliant with zoning requirements. The lot will maintain its existing forty feet of frontage on Mendall Road and the minimum lot width of thirty-five feet will be maintained.

Bryan Deschamps says this seems like a straightforward request, and Rick Ellis agrees. A motion is made to approve the plan.

So moved: R. Ellis

Second: B. Deschamps

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Vote was 3 for, 2 absent.

Issue: Proposed large-scale solar installation at Robinson Road, Acushnet Assessor's Map 7 Lot 7, Robinson Road Solar LLC, Applicant, represented by SITEC Inc. The applicant is requesting a public hearing for a special permit and site plan review.

Jon Connell from SITEC shows the plans on the locus map. There is an open field on the southwest corner of Robinson Road, Route 105, and Cushing Lane. The land is 7.5 acres. There is wetland to both the east and west along the property line and along Cushing Lane. A paved apron and gravel drive is proposed off of Robinson Road. Mr. Connell shows the arrays, which are 1.3 MW.

The existing field will ultimately be grassed. There is battery storage and a 2,500 gallon fire cistern. They will be landscaping to supplement the lack of vegetation, and they must trim back existing vegetation along the southerly lines. The entire array would be fenced, a seven-foot farm fence with gates for personnel and vehicular gates for maintenance and emergency access. For stormwater, the runoff flows in a northeasterly direction. A culvert is proposed passing underneath Cushing Lane.

Marc Cenerizio points out that the Chief wants a fourteen-foot gravel perimeter inside the fence line and suggests that S.W. Cole be contacted to review before the public hearing.

Rick Ellis says no stormwater control is proposed and some calculations will need to be provided to show S.W. Cole that there won't be increased runoff, and adds that they will need 24-hour contact for the site per the Police Chief's letter.

The public hearing is scheduled for May 20<sup>th</sup> at 8:30 pm.

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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