



TOWN OF ACUSHNET

MASSACHUSETTS

OFFICE OF THE PLANNING BOARD

Mailing Address: 122 MAIN ST.

Office Address: 130 Main Street, Parting Ways, 2nd floor

ACUSHNET, MA 02743

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

Tel. (508) 998-0200 ext. 4260

Handwritten initials: "MK" and "OK" with a signature.

Acushnet Planning Commission Meeting Minutes for February 17, 2022

Vertical stamp: "RECEIVED FEB 22 2022"

Open: 6:30pm

Adjourn: 7:57pm

Present: Marc Cenerzio, Chairman
Bryan Deschamps, Member
Rick Ellis, Member
Dave Davignon, Member
Mark Francois, Member
Doug Pimentel, Town Planner

Issue: A motion is made to open the meeting.
So moved: B. Deschamps
Second: R. Ellis
Vote was 5-0

Issue: **Discussion:** Planning Board draft rule G.L. c. 44, § 53G½.

Doug P. begins discussion for the Planning Board to adopt a MA G.L. c. 44, § 53G½ that would allow the Planning Board to collect securities for things like visual barriers like the Board has been doing for solar fields. This would go into the sub-division rules and regulations. Town Counsel has drafted the language for it and would be very useful for the Planning Board. Rick E. noted that the recommendation of Town Counsel is that we adopt the wording that they provided so that the Board can collect surety and use it if we need to finish up a project if such a thing is necessary.

A motion is made that the Board accept the document as written by Town Counsel to allow us to accept and distribute sureties for special permits.

So moved: R. Ellis

Second: D. Davignon

Vote was 5-0

Discussion of ANR/Form A Plan Access Requirements and the SRPEDD annual assessment were moved to the end of old business to accommodate Proponents here for presentations.

Issue:

Discussion: Cease and Desist issued for ground mounted solar array at 88 Wing Lane.

Wyster Desir and Eric James are present representing CVE N.A.

Doug P. notes that he has spoken with Town Counsel prior to today's meeting on this project. Doug states that the Planning Board needs to keep the Stormwater and Planning Board issues completely separate. Doug states that the only person who has authority to issue a Cease-and-Desist order is the Building Commissioner. Doug had sent a letter to the Building Commissioner and it was not sent to CVE N.A., therefore, the Cease and Desist would not be effective. Doug notes that the Planning Board option is to only hear the waiver request CVE proposed for the Plantings and then accepting the cash surety for the five-year lifespan of the Plantings as well as the Visual Barrier. The Planning Board agrees that the Cease-and-Desist order is a non-issue at this point. Rick E. asks if the Treasurer's Office is OK with the form of the surety. Doug indicates that should not be a concern because he has been working with the new Town Administrator.

Wyster presented the new waiver request drawing and noted they have planted 277 trees around the site and the species are a little bit different than what was originally planned and will take longer to provide the visual barrier that's required. In the meantime, they have erected a top fence that was applied on all the fencing and also with some slats to provide full visual value to the site that should last at least five years. In addition to that they posted the surety bond in case that visual barrier either falls or the trees don't take. Then they would replace them within five years. They ask that the Planning Board accept that as a temporary solution until the trees grow or that they will replace them if they don't grow. Doug P. states he is familiar with what's been done and thus CVE has done a lot to remediate the issue and are posting a significant amount in terms of the cash surety if anything were to happen over the five-year period. Mark F. asks if there are any plans to add more trees to the site now. Wyster replies not currently and their waiver is based on what's been planted and CVE wants to give at least one full season for the trees to grow. If needed they would add more or replace. Mark F. notes that he visited the site and believes the current plantings would not provide a visual barrier within a year's time. Wyster states the CVE understands that and reiterates their position that they will provide the complete visual barrier eventually, backed by their cash surety. Dave D. notes that many of the plantings are tiny bushes. Wyster states they realize some of the plantings will either die or not take. Dave D. asks that in five years what is this barrier going to look like. Eric J. replies that they are not sure, that's why the surety is in place along with the temporary screen in there. Dave D. continued to question the lack of planting in place and virtually no screening in place currently. Dave D. doesn't understand how he could vote for a waiver. Rick E. asks if the document they are providing is strong enough that it not only covers plants not growing but does it give the Planning Board the ability to evaluate whether the screen is sufficient at the end of five years. Doug P. stated yes. Rick E. states if the Planning Board determines that it's not sufficient can we request that they improve the screening or use the surety to put additional plantings in. Doug P. states yes, and a 60-day notice would have to be sent out to CVE or the current owners of the solar field notifying them to fix the problem at the site or use the cash surety at that time to fix any issues.



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A motion is made to accept the Cash Surety for the 88 Wing Lane project and no further action would be taken by the Planning Commission regarding a Cease and Desist.

So moved: Dave D.

Second: Rick E.

Vote was 5-0

Issue:

Discussion continued on the waiver request for as built at 88 Wing Lane. Rick E. asks if the plantings in the waiver request agree with what's actually been done on the site. Eric J. responds that yes it does. Wyster and Eric present the drawings showing the proposed elevation of the plantings along with the sizes and species involved. Mark F. states he fears that if the Planning Board approves this it may be forgotten in a few years. He asks who is going to be responsible. Rick E. states that the Town Planner would review the project and what they screened would agree with what they promised. Dave D. notes that 5-years is too much time. Bryan D. states that perhaps there should be an annual review on all the solar sites in Town. Wyster assures that CVE will be proactive in meeting the requirements of the plan. Rick E. states he would be amenable to it with the condition that there be a once-a-year review of the plantings and screenings to see if it's performing as promised. Doug P. states that notice for use of the cash surety can be sent out at any time with 60-days-notice.

A motion is made to accept the plans and waiver request subject to the provision that there will be a yearly review of the screening performed by the Town Planner.

So moved: Rick E.

Second: Mark F.

Vote was 5-0

Issue:

0 and 165 Nyes Lane Public Hearing Continuation: Solar Array installation, assessors map18, Lots 57 and 57A Acushnet Massachusetts. Proponent R&R Renewables LLC, Represented by: Henderson Consulting Services. Send letters to abutters and public posting. The plans and accompanying documentation are available for inspection at the Town Clerk's Office, Parting Ways Building, 130 Main St. 1st Floor

Roy Morrison from R&R Renewables is present to make some remarks and then turn things over to his engineer and landscape designer. Roy notes that at the last meeting the concern was raised that the plant screening was not tall enough or insufficient and they agreed to use a berm and a full footprint and six-foot tall trees. Subsequently, Roy learned that installing a berm would completely mess up the stormwater systems. Roy states they have decided to plant 10-12-foot trees instead of 6-foot trees. The more mature plantings are much more likely to survive and would present good screening from day one. If they are able to move forward, they would plant them in the spring. Scott Henderson of Henderson Consulting presents an explanation why the berm would not make sense because of how the site drains. Scott notes that the landscape plan has changed significantly. Greg Drake of Outback Engineering

presented the revised landscape plan. Gregg notes the spacing remains the same but with larger trees. Doug P. noted that at the next meeting the final set of plans (Solar Special Permit) will be ready to sign along with the cash surety. Additionally, project proponent needs to secure a stormwater permit from the Conservation Commission.

A motion is made to accept the plan as shown with standard conditions for a solar permit as submitted.

So moved: Rick E.

Second: Bryan D.

Vote was 3-0 with two abstentions (Dave D. & Mark F. not at the prior meetings)

Issue:

Discussion: Roadway Improvement waiver request. Morton Lane ANR Plan of Land roadway extension – Zenith Consulting Engineers.

The lot owners, Nancy Durfee and Paul Boucher, were present and have requested that the Planning Board review and re-evaluate the roadway improvements determined for the construction of a single-family home located at 7 Morton Lane. The roadway will be extended from the edge of the pavement at 5 Morton Lane to the property line at 7 Morton Lane which is approximately 275 linear feet. Currently, the lane is an unaccepted street which receives no services from the Town. The roadway improvement plans require 8" of gravel, 4" of dense grade crushed stone, 2 ½" base core asphalt, and 1" of top course asphalt. Doug P. presents the drawing and explains that the existing roadway that's there is decrepit and broken apart. Discussion was had regarding the existing road conditions and any possibilities of future lots. It was determined that one lot was remaining, however, very unlikely to be buildable because of overly wet conditions.

A motion is made to accept the waiver request to provide a gravel road at the cross-section shown on the drawing plan.

So moved: Rick E.

Second: Bryan D.

Vote was 5-0

Issue:

Discussion: Decommissioning review. Solar array at 1050 Main St., Acushnet Solar LLC, applicant.

A motion is made to accept the decommissioning fee for 1050 Main Street provided by Field Engineering.

So moved: Rick E.

Second: Bryan D.

Vote was 3-0 with two abstentions (Dave D. & Mark F. not at the prior meetings)

Issue:

Discussion: Decommissioning review. Solar array at 1052 Main St., Woodridge Renewables, LLC, applicant.

A motion is made to accept the decommissioning fee for 1052 Main Street provided by Field Engineering.

So moved: Rick E.

Second: Bryan D.

Vote was 3-0 with two abstentions (Dave D. & Mark F. not at the prior meetings)



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Issue: **Discussion:** Decommissioning review. Solar array at 0 Cushing Lane, Acushnet Assessors Map 7, Lot 26. White's Farm, Inc., applicant

A motion is made to accept the decommissioning fee for 0 Cushing Lane provided by Field Engineering.

So moved: Rick E.

Second: Bryan D.

Vote was 3-0 with two abstentions (Dave D. & Mark F. not at the prior meetings)

Issue: **Discussion:** Decommissioning review. Solar array at 0 Robinson Road, Map 7, Lot 7, Robinson Road Solar LLC, applicant.

A motion is made to accept the decommissioning fee for 0 Robinson Road provided by Field Engineering.

So moved: Rick E.

Second: Bryan D.

Vote was 3-0 with two abstentions (Dave D. & Mark F. not at the prior meetings)

Note: At this point in the meeting the new interim Town Administrator, Jaime Kelly, joined the audience. Doug P. introduced him to the Board members. Jaime stated that he looks forward to working with the Board and stated he firmly believes in the Town Planner position and fully understands the value of a Town Planner.

New Business (Continued)

Issue: **Discussion:** ANR/Form A Plan Access Requirements

Rick E. states that the history of access requirements of Form A plans has been kicked around for decades in the court system. Rick E. notes that wetlands in between accessing the frontage that the plan showed in the building portion of the lot would have required the construction of a bridge in excess of a half-mile long. The court ruled that access was not practical and the Board did not have to sign the plan. In Rick's opinion the net result is that the Planning Board can require there be bona fide access between the building portion of the lot and the street that they are claiming for frontage. Rick notes that lots are getting more and more marginal in size. Rick believes that the Planning Board needs to step to the modern interpretation of the frontage and access relative to Form A lots.

Issue: **Discussion:** SRPEDD annual assessment for member cities and towns for fiscal year 2023

Currently, there is no money in the Planning Board budget. Doug P. will work with the Town Administrator to get this item on the next Board of Selectman agenda

Planner Update:

Solar By-Law Update

Doug P. states that in conversations with the Town Administrator they would like to start preparing to get either a 90- or 180-day moratorium in place for solar fields until we can prepare language for a solar by-law. This proposed by-law will make things clearer for developers and give the Planning Board clearer guidelines.

Open Space Residential Development Update

Doug P. states that the Town Administrator has taken the point on this development issue. This topic is likely to get pushed out to the Fall Town Meeting. There is much more discussion needed within the Town.

Bradford Street Rezoning

Doug P. explains it would be re-zoning two parcels, 534 and 482, Map 15 from the residential liaison district to the residential village district. For some of the lots over there this would allow developers to clean up the contamination from a previous junk yard that was at the site. Doug believes that would allow for 10-13 additional units or buildable lots in the residential village this year. The Planning Board agrees that is an area we would want to have high density housing especially if water and sewer is available. Doug P. states he would need to set dates for public hearings. The Board agrees to continue with the Bradford Street re-zoning issue at a Public Hearing meeting tentatively scheduled for Thursday, March 10, 2022 in the Board of Selectmen's meeting room.

Mail

Meeting Minutes:

August 19, 2021

A motion is made to accept the meeting minutes for August 19, 2021

So moved: Bryan D.

Second: Rick E.

Vote was 3-0 with two abstentions (Dave D. & Mark F. not at the prior meetings)

January 20, 2022

A motion is made to accept the meeting minutes for January 20, 2022

So moved: Bryan D.

Second: Dave D.

Vote was 4-0 with one abstaining (Mark F. not at this meeting)



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January 26, 2022

A motion is made to accept the meeting minutes for January 26, 2022

So moved: Bryan D.

Second: Rick E.

Vote was 5-0

A motion is made to adjourn the meeting

So moved: Rick E.

Second: Dave D.

Vote was 5-0

[end]

Respectfully Submitted,

Paul Sullivan

Administrative Assistant