



TOWN OF ACUSHNET

MASSACHUSETTS

OFFICE OF THE PLANNING BOARD

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Acushnet Planning Commission Meeting & Public Hearing Minutes for August 25, 2022

Open: 6:30pm
Adjourn: 8:05pm

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

Issue: A motion is made to open the meeting.
So moved: R. Ellis
Second: B. Deschamps
Vote was 4-0

Issue: The Vice Chairman, Rick Ellis, announces that the Planning Board needs to reorganize due to the resignation of the previous Chairman and notes that the Planning Board needs to look at a couple of applicants for the Planning Board opening. The Vice Chairman asks the Planning Board for a motion to nominate a new Chairman. The Vice Chairman, Rick Ellis, makes a motion to nominate Mark Francois as the next Chairman of the Planning Board.

Issue: A motion is made to nominate Mark Francois as the next Chairman of the Planning Board
So moved: R. Ellis
Second: B. Deschamps
Vote was 3-0 (Mark Francois recuses himself)

Issue: The Vice Chairman notes that the Planning Board is waiting for the Board of Selectmen to join the meeting to make nominations for a new Planning Board member. In the interim, Rick E. invites the two candidates who are in attendance, Peter Giampa and Steven Boucher, to listen to the meeting and explains some of the topics are more technical and most of the stuff the Planning Board has been dealing with lately are Solar array projects, and we get requests for approval of new lots whether it's on an existing street or whether a subdivision is proposed and both of those can be pretty technical at times. Rick E. shows the candidates an 82-page document prepared by the State of MA on whether or not Planning Boards should approve ANR plans.

- Issue: The Chairman welcomes those in attendance and makes the media notification
- Issue: The Chairman asks the Board Members & Town Planner to introduce themselves
- Issue: A motion is made to accept the July 28, 2022 meeting minutes
So moved: R. Ellis
Second: B. Deschamps
Vote was 4-0
- Issue: There are no Planning Board bills to process, only correspondence to read at the end of the meeting
- Issue: The Chairman notes there are no Public Hearings tonight
- Issue: **ANR 2022-01** for land at 0 Lake Street, Acushnet MA. River Hawk Land Survey, Middleborough, MA, drawn for Long Plain Cranberry Trust and Crandon Acres Nominee Trust.

The project proponent, Brian Thomasett, is presenting to the Planning Board this evening. Before the presentation, Rick E. wanted to make him aware of something on this parcel of land. Rick E. states it was originally that a couple of the streets the proponent is looking to use as a frontage for the Form A plan were from a subdivision that was done back in 1962. It was approved by the Board of Selectmen prior to subdivision control in Town. In 1980 the Planning Board at that time refused to sign an ANR and that needed frontage on those old subdivision streets. They refused to sign it and a Mr. Richard took the Town to court because the Planning Board refused to sign it and the court upheld the Planning Board's decision not to sign the plan. Rick E. continues on that one of the things to be discussed on today's agenda is ANR plans and that case between Mr. Richards and the Town is actually referenced in the 82-page State of MA ANR handbook and the appeals court upheld the Planning Board's decision to not sign the plan. Rick E. tells Brian T. he is welcome to show the Planning Board the plan, however, a lot of the Form A plans that have come before the Board have had questionable access to the frontage that they want to use for creation of new lots. After considerable discussion of the plan details, Dave D. advised the proponent that procedurally it would be wise to just withdraw the plan without prejudice and just request that verbally and the Planning Board can make a motion and vote on that, otherwise, there's a timeframe attached to these types of plans, 20 days once you file it and if the Planning Board doesn't act on it, it becomes approved, so we would have to act on it or it needs to be withdrawn tonight. Dave D. advised to re-submit and Doug P. will discuss the issues with the proponents engineer and address all the issues discussed tonight and make sure all these concerns are addressed in the next Planning Board meeting. Doug P. states the next meeting is September 8 and the submission deadline is September 1. The proponent wishes to withdraw the plan without prejudice.

- Issue: A motion is made to withdraw the plan without prejudice and the proponent can revise the plan and re-submit
So moved: R. Ellis
Second: B. Deschamps
Vote was 4-0

Issue: The Chairman notes that the Board of Selectmen have not joined the meeting via Zoom as expected and doesn't feel the Planning Board should go through the interview process for the next board member until the next available joint meeting which Doug P. will coordinate with the Board of Selectmen Administrative Assistant.

Issue: **Discussion (continued):** Park Drive Solar Project, Syncarpha, access rights options

Doug P. notes that he has been communicating back and forth with Syncarpha about access rights. Doug P. notes they were looking to gain easement rights from one of the neighbors, and after further review more news had developed that a neighbor wasn't willing to grant easement rights. Doug P. notes that looking back at the deed information it appears that the person they're leasing the land from has retained a 20-foot-wide portion of Brooks Avenue all the way up to Park Drive. Doug P. notes they are exploring options for access routes to the site and what their best options will be. Mark F. asks the Syncarpha representatives via Zoom to provide their input before the Planning Board comments or questions. Michael Atkinson, Syncarpha Project Developer, has joined via Zoom and states that when this project was originally approved, they were told that the Town was able to grant us the right-of-way along Brooks Avenue which is a paper street and through further title research it was uncovered by their insurance company that the Town actually did not have the ability to grant us that access and we were required to get private easements through that stretch of paper street. Mike A. states that this 40-feet is something that is planted and subdivided but it is still owned by the people who live adjacent or retained their rights. Mike A. states they were able to gather a 20-foot stretch of right-of-way from the White family through Brooks Avenue. Mike A. states their original plan had a 26-foot-wide road and they are asking now that they have that, can they narrow the road from 26-feet to 20-feet. Dave D. states he is looking at a plan submitted July 15 draft, and notes it's a 40-foot way and the proponent wants to shift the first 200 feet past the properties to the right or the east and asks if that is correct. Mike A. responded that is correct and that is the 20-foot-wide section that the White's retained ownership of. Dave D. notes it looks like the limits of work isn't at the midpoint and looks like it's one-third of the way in which means you're working on areas you don't have rights to. Mike A. states that's an older plan and they were not able to update the plan. Rick E. notes if they feel they have rights to the 20 feet, please modify the plan and then the Planning Board will refer that whole document to Town Counsel to make sure that they concur that the Whites have the rights to those 20 feet. Rick E. feels there needs to be a physical barrier up there to prevent the neighbor's property from getting intruded on. Rick E. states that part of what's being proposed is a way to protect adjacent parcels. Mike A. states the previous plan did include a gate at the start of the road and he believes both parties agreed to a fence on both sides of the access road, during and after construction. Rick E. and Dave D. agree it needs to be staked out and do a site visit to see what the hazards may be. Mark F. asks the proponent if that is acceptable and Mike A. states yes, and the site visit would point out clearly where the boundaries would be.

Issue: A motion is made to forward the easement document to Town Counsel
So moved: R. Ellis
Second: D. Davignon
Vote was 4-0

Discussion ensued about the site plan modification. Dave D. doesn't believe these are minor site plan changes. He believes it should be a modification of the permit with abutter notifications and a public hearing should happen, in his opinion. Rick E. states perhaps we should ask Town Counsel if we can approve this as a minor modification or if we need to go

through the process again. Doug P. will contact Town Counsel to get a determination on the issues presented.

Issue: Discussion (continued): ANR/Form A Plan Access Requirements

Rick E. distributes documents to the rest of the Board relating to pages 42-44 of the State of MA ANR Handbook. Rick E. notes that pages 42-44 contain all of the court cases referenced. Rick E. talks about what vital access means and you have to be able to get to your house over your lot. Rick E. notes that access needs to be clear before someone hires an engineer and spends \$20-30K. The proponent should have a good idea what their getting themselves into and people shouldn't spend money that they can never recover because they think they may have buildable lots. After further discussion the Board agrees to look at plan access requirements more closely going forward to assure vital access.

Current Planning Update:

Revised Solar & Rezoning Bylaws

Doug P. states that he needs to have all of his bylaws to the Town Administrator by September 7. He is working on the Large-Scale Solar bylaw and will forward any drafts to the Planning Board. Rick E. states it may be good to use the Town of Hopkinton bylaw as a model, which has been approved by the State AG and is very thorough and very inclusive. Doug P. notes they are looking at some rezoning options, Bradford Street was at the last Town Meeting and he is re-working the language for that and it would be three buildable house lots. Doug P. notes the other alternative is presenting a set of 40b plans to move forward in that part of Town. Doug P. notes he is starting to put together an MBTA rezoning bylaw and is putting together language for that and then present to the Planning Board and the Board of Selectmen.

Long Range Planning:

Doug P. states that the Master Plan and OSRP Plan were able to secure \$50K through our State Representatives for the Town of Acushnet. Doug P. notes they are looking at utilizing CPC funds for some aspects of the Master Plan. Doug P. explains that securing these funds will allow the Town to begin the RFP process to get the work begun.

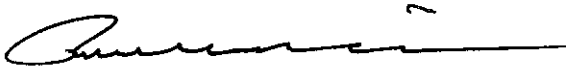
Correspondence:

Doug P. notes a letter was received from KP Law regarding one of the subdivisions the Planning Board had permitted. Doug P. will e-mail that letter to the Board members.

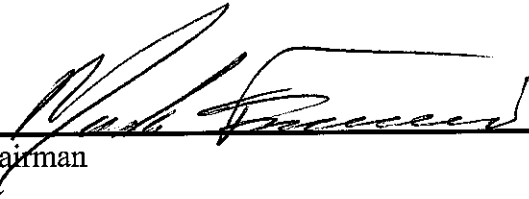
Issues: A motion is made to adjourn the meeting.
So moved: D. Davignon
Second: R. Ellis
Vote was 4-0

Respectively submitted,

Paul Sullivan
Administrative Assistant



9-26-22



9-22-22

Mark Francois, Chairman

[end]

RECEIVED
SEP 27 2022
FBI - NEW YORK