



# TOWN OF ACUSHNET

## MASSACHUSETTS

OFFICE OF THE PLANNING BOARD  
122 MAIN ST.

ACUSHNET, MA 02743

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FAX: (508)998-0203

Acushnet Planning Commission  
Regular Meeting  
and

Continuation Public Hearing - Special Permit - Common Drive  
148 Peckham Road - Arruda - Romanelli - Bissonette  
March 1, 2018

*Handwritten signatures and initials in the top right corner.*

2018 FEB 20 PM 2:21

Open: 6:30 pm  
Adjourn: 7:25 pm

Present: Marc Cenerizio, Chairman  
Bryan Deschamps  
Phil Mello  
Mark DeSilva, Sr.  
Rick Ellis

Henry Young, Planner

Issue: Announcement that meeting is being audio and video taped.

Issue: Minutes from February 15, 2018 and February 24, 2018 were reviewed. A motion was made to approve them; (and later on in the meeting, Mr. Young asked that the letter regarding Moses Lane sent by Mr. Marot, attached to these minutes, that was distributed and discussed at the walkabout on February 24th with Mr. Marot and those assembled for the walkthrough, be included in the minutes. This has been done.)

Motion to approve the minutes from February 15 and February 24, 2018 was made.

So moved: P. Mello

Second: B. Deschamps

Vote was unanimous, 5 for.

All minutes are on file in the Planning office, 130 Main Street, Parting Ways, 2nd floor.

Issue: Vouchers were signed, and are on file in the Planning office.

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

Issue: Letter from Eversource to the Town regarding a Rochester solar project that will not be going forward.

Issue: Advertisement - Thomson Reuters Rules of Court 2018 edition  
The Board voted unanimously to acquire this book, but the Planning Commission has no funds to purchase it with, so it has not been ordered..

Issue: Morses Lane - Ancient Way Determination - Cianno

Also present: Steve Gioiosa, SITEC  
Chris Cianno  
Janelle Cianno

Jon Eichman, K&P Law  
Roger Cabral, Acushnet Selectman

The Ciannos have a purchase and sales agreement pending for property at the end of Morses Lane. For the past 4-6 months, they have been seeking a determination as to whether the public way portion of Morses Lane that continues on is an ancient way. They have provided documentation and evidence to support that to both the Planning Board and Town Counsel, and the Board had a posted and public on-site walkthrough with them and interested public. The issue has been forwarded to Town Departments for comment, and some have responded as noted previously.

The Ciannos would like to take over the property and make it into two parcels. They would perhaps tear down the existing barn/garage and create a back retreat lot for themselves.

Before they invest more money on surveys, perc tests, wetland delineations, and so on, they want to be sure they are heading in a direction that is acceptable to the Board and for understanding the level of improvement the Board is looking for. direction on the ancient way and any line, grade or width more suitable.

Mr. Gioiosa produced the wetlands informational mapping that was requested by Mr. Ellis on the sitewalk.

SITEC had an ancient way in Westport on Route 177 that was on a parcel of land with another parcel behind it. It had a meandering gravel road that was determined to be an ancient way, similar to Acushnet. Requirements were to improve the way, to get rid of the meandering aspect. After straightening, they were to re-connect it to the old ancient way. The landowners and abutters agreed to it based on topography. So they moved the gravel road and created three lots on Bergeron Lane, an ancient way. It was approved and recorded.

Mr. Eichman, Town Counsel summary:

The Ciannos need to obtain frontage on a way. They consider Morses Lane an ancient way because:

- it was in existence on the ground before subdivision control, in Acushnet, that was 1963
- it was in existence and is sufficient in width, grade and construction to service the needs of the property
- in Acushnet, retreat lots are allowed with 40 feet of frontage as a right

Mr. Gioiosa met with DPW Dan Menard who stated that the way is paved, the grade is mild with good sight lines, and there are three other houses there being served by the way, and there is adequate maneuvering room. From a traffic standpoint they are in good shape.

Mr. Ellis asks if the sideyard setback is 25 feet? No, it is 15 feet.

Mr. Gioiosa said that they moved the access to preserve the wetlands.

Mr. Ellis states that the Board is reluctant to sign plans that the Building Inspector must enforce if he is not on Board. Mr. Cabral, Selectman, said he did not see any issues that concern him.

Mr. Ellis states that there are already three houses there; one more won't make a difference.

Mr. Cenerizio states that we have been hearing this issue for 6 months; the applicants have a P&S agreement that is being extended while we determine. He asks if there are any more questions.

Mr. Young states that Mr. Eichman asked Henry to speak with Chief Gallagher about whether they could get Fire equipment to the end of Morses Lane; Chief said yes.

After extensive discussion, a motion is made to approve the existence of Morses Lane prior to subdivision control took effect, and that it is of sufficient width, grade and construction to support one more lot, and that he will remove enough of the garage to alleviate side yard zoning issues.

So moved: R. Ellis

Second: P. Mello

Vote was unanimous, 5 for.

Issue: Discussion of Public Hearings for Warrant Articles - Henry Young

Mr. Young is working with Brian Noble on articles for regulation of

recreational marijuana establishments. Planning will need to hold a public hearing on the issue(s). Tentatively, they will be held sometime in April 19th at our next meeting. Mr. Young will advise Donna on times and language for Posting, notification and publication. (As it turned out, the Town election vote tabled this issue and it will not go forward, but the public hearings had been posted and advertised, so they will be held and tabled tonight.)

Issue: Continuation - 148 Peckham Road - Special Permit - Common Drive - Arruda - Romanelli - Bissonette

Mr. Ellis remarks that the Building Inspector made a determination in a letter that there are not three lots there. Mr. Arruda's consulting engineer was unable to attend tonight's hearing. Mr. Ellis continued that if the Building Inspector thinks there are only two lots, then you must pursue that with him. We could approve the common drive, but if the Building Inspector thinks there are only two lots because there is no frontage or that frontage access is illusory, then you must work it out with him. It is not our job to determine if access is illusory.

Mr. Cenerizio states that if we did approve, Mr. Marot could disapprove.

Mr. Ellis states that yes he could. He further states that he personally is a fan of retreat lots because of lower density.

Mr. Romanelli said that Conservation Commission approved the plan.

Mr. Young said we need language for the Special Permit.

A motion is made to continue this issue to 7:15pm on April 19, 2018, and for Henry Young to work on wording for the Special Permit.

So moved: R. Ellis

Second: B. Deschamps

Vote was unanimous, 5 for.

Issue: A motion is made to adjourn at 7:25pm.

So moved: M. DeSilva, Sr.

Second: P. Mello

Vote was unanimous, 5 for.

Respectfully submitted,  
Donna M. Ellis