



RECEIVED

2020 NOV 24 A 10:27

**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**  
**September 24, 2020**

Open: 7:05 p.m.  
Adjourn: 9:07 p.m.

Present: Marc Cenerizio, Chairman  
Bryan Deschamps  
Rick Ellis

Henry Young, Planner

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: Public Hearing (Continuation): Proposed subdivision at 148 Peckham Road, Joshua Arruda of Acushnet, MA, applicant; represented by John Romanelli of Zenith Land Surveyors, Lakeville, MA. This proposal is for a 3-lot subdivision on a single access street.

John Romanelli is present and requests a continuance to October.

A motion is made to continue the matter to the next meeting on October 22<sup>nd</sup> at 6:45 p.m.

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

Issue: Public Hearing (Continuation): Proposed ground mounted solar array at 1050 Main Street, Acushnet Solar, LLC of Boston, MA, applicant; and represented by Steve Gioso, SITEC, Inc. of Dartmouth, MA. This proposal is for a 1.3 MW (DC) ground mounted solar array.

A motion is made to go from regular meeting to public hearing.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Steve Gioso reminds the board about the project, a solar project on the east side of 1050 Main Street. There will be an access on Main Street and an access on the south border. The project consists of an open field and no clearing is required. There will be a pond for stormwater management. The plans have been reviewed and approved by the Conservation Commission. The Fire Department had previously expressed concerns about water storage in case of a fire, so they have added a 2,500-gallon cistern to the plans as the chief requested. In terms of decommissioning, they have forwarded an estimate to S.W. Cole, but the analysis is not yet complete. The applicant believes all concerns have been addressed and seeks to close the public hearing and move to the next step.

Rick Ellis notes that the plan seems to be the way it needs to be and that decommissioning can still be worked out without a public hearing if need be.

Having reviewed the site plan, Henry Young recommends to the board that they approve the site plan with the condition that the decommissioning estimate from S.W. Cole be utilized in the final signed special permit and site plan review.

Abutter Irene Pires is present to express her concerns. She says the facility is too close to her property and that the buffer zone is less than one hundred feet. Her other concern is the battery component, which seems dangerously large to her. She also questions how high the poles and wires will be and how they will look, since no evergreens are proposed to cover them.

Mr. Gioso responds that the battery storage area is over 100 feet from her property and behind a seven-foot fenced-in area and the poles are of standard size.

Rick Ellis issues a reminder that the board has no authority to reject a solar array, only to condition or approve it, and notes that he sees nothing about this project that would warrant disapproval.

Henry Young asks to be shown the battery storage on the plan, asking if vegetative buffering around the electrical storage is possible to address the aesthetic concerns. Mr. Gioso agrees this is an appropriate measure and shows where the visual screen could be added.

Ms. Pires also expresses concerns about the placement of the battery storage on the property and its proximity to her property and mentions that she would like more consideration for the neighbors and will consider consulting with an attorney regarding the legality of the placement.

Henry Young notes that in terms of safety, Chief Gallagher has reviewed and approved the plan and is well aware of the battery storage facility.

RECEIVED  
2020 NOV 24 A 10:27

A motion is made to approve the plan with the condition that S.W. Cole determine the decommissioning price, subject to the usual special conditions that apply to solar array projects, and with the requirement of additional plantings on the south side of the battery storage facility to address the aesthetic concerns of the abutter.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

A motion is made to close the public hearing.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue:

Public Hearing (Continuation): Proposed ground mounted solar array at 0 Wing Lane, CVE NA of New York, NY, applicant; and represented by Asa Smith, Atlantic Design, Inc. of Bourne, MA. This proposal is for a ½ MW (AC) ground mounted solar array at 0 Wing Lane.

A motion is made to go from open session to public hearing.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Ryan Young is present to represent this CVE solar project, and conveys that the parcel is the entirety of 0 Wing Lane, but the project in question is only on the southern portion. CVE plans to own the property and the project for the next twenty to forty years, and will sell power back into the community. They have also made environmental efforts including making the project pollinator-friendly. Ryan Young states that all of the Town's requests have been complied with and the Fire Chief and DPW have approved, also noting that the address on the plans has been updated to 87 Wing Lane instead of 0 Wing Lane.

Marc Cenerizio mentions that S.W. Cole's decommissioning estimate was \$50,000. Ryan Young says that is correct, but that \$50,000 is exorbitant considering the small size of the project, and requests the discretion of the board to consider decreasing the amount. After discussion with the board, Ryan Young agrees that the \$50,000 decommissioning cost can be accepted as written to avoid holding up the project.

A motion is made to approve the proposal as submitted, with the projected decommissioning cost of \$50,000 and subject to the usual conditions.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

A motion is made to close the public hearing and return to open meeting.

So moved: R. Ellis

Second: B. Deschamps

RECEIVED

2020 NOV 24 A 10:27

Vote was 3 for, 2 absent.

Issue: Public Hearing (Continuation): Proposed ground mounted solar array at 251 Mendall Road, Borrego Solar Systems, Inc. of Lowell, MA, applicant; represented by Brandon Smith, also of Borrego Solar Systems, Inc of Lowell, MA. This proposal is for a 5 MW (AC) ground mounted solar array.

Brandon Smith shows the plans for a 5 MW AC solar and storage project located on the old Greenbrier girl scout camp parcel east of Mendall Road, noting that they have worked with Chief Gallagher to make some adjustments and that the Chief is now pleased with the proposal. A water line was added from Mendall to bring a hydrant right outside the gates. Vehicle pull-offs, a turnaround, and a ring road were also added.

Brandon Smith continues, noting that at the previous meeting there was a question regarding EMFs, and they have submitted a study outlining empirical evidence that 50-100 feet from a solar site, there is no trace of electromagnetic radiation.

Henry Young thanks Mr. Smith for the EMF study and confirms that Mr. Smith met with all department heads and that the Fire Chief is satisfied with the plans, adding that the remaining issue is decommissioning, which must be arranged with S.W. Cole. Brandon Smith says he is working with S.W. Cole on this.

A motion is made to continue the discussion to October 22<sup>nd</sup> at 7:00 p.m.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

A motion is made to go from public hearing to open session.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue: Public Hearing: 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 4,200 square foot gas station and convenience store with drive-through service within the Business Village District.

A motion is made to open the public hearing.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Phil Lombardo, the attorney for the project, is present and asks if the board will consider a continuation, as the project has not yet obtained their special permit from the ZBA, but seeks comments that they can incorporate into future discussions with the board and the ZBA.

Henry Young suggests that they come back in and meet with the department

RECEIVED  
2020 NOV 24 A 10: 27

RECEIVED

2020 NOV 24 A 10:27

chairs to obtain immediate feedback.

A motion is made to continue the public hearing to October 22<sup>nd</sup> at 7:30 p.m.

So moved: Rick Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Rick Ellis comments that the proposal would be a major traffic generator in a place that is not great for traffic, and that four different accesses seems excessive, and it would be interesting to see a record of accidents in the location as it is.

Dave Desroches from Main Street is present and wishes to respond to Rick Ellis's comments.

Mr. Desroches has a letter from the Police Chief dated May 7, 2020 regarding crashes in the area stating that there have been 30 reported motor vehicle crashes since 1995 in the area of the Main Street and Wing Road intersection. No record of any crashes was found involving pedestrians. Mr. Desroches adds that the intersection's foot traffic will likely increase due to the proposed property development and that the current layout for the crosswalk would create a vehicular hazard for pedestrians. A viable option would be to move the crosswalk closer to Main Street and create a traffic island to help direct the flow of traffic and give pedestrians a halfway space to cross the seventy-five-foot distance.

Henry Young notes that traffic engineering considerations will be addressed to ensure an unsafe situation is not created.

A motion is made to end the public hearing and return to public session.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue:

Public Hearing: Form K. Request for (sidewalk) waiver – Labonte Street Subdivision, Labonte Street, MG Property Group, Applicant (represented by Ben Reis). This request is for a sidewalk waiver for the 3-lot subdivision on Labonte Street.

Henry Young states that after speaking with Mr. Reis the previous month in the public hearing, direction was sought from Town Counsel and their recommendation was for the applicant to prepare a form K on behalf of the developers who have purchased all three lots concerned. The other consideration raised at the previous meeting was to ensure that the Board of Selectmen supported the waiver. A letter has been provided to the Board from the Board of Selectmen conveying their approval of the submitted form K.

A motion is made to grant the requested sidewalk relief for the three-lot subdivision on Labonte Street.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

RECEIVED

2020 NOV 24 A 10:27

Issue: 1209 Main Street Solar Project, Roy Morrison & Associates, LLC of Warner, NH, applicant; represented by Rene Gagnon, Zenith Consulting Engineers, LLC of Lakeville, MA – Presentation and request for public hearing.

Jamie Bissonette of Zenith Consulting Engineers is representing the applicant, and explains that he has sat with Henry Young and also attended a department head meeting to discuss the project. Mr. Bissonette shows the plans and describes the project, a small ground-mounted solar project at a residential dwelling at 1209 Main Street with four arrays, two inverters, and a concrete pad with a utility line to a new pole and to an existing utility pole on the street. This is a 9 KW DC solar setup with a fence around the entire perimeter. Some trees will be removed. The applicant would like to have a public hearing to begin the process.

There is a motion to set the matter for public hearing on October 22 at 7:45 p.m. and start the permit process.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Discussion and Update – Development of lot (Assessor's Plat 8, Lot 25) and related access issues on ancient way – Mark Francois (represented by: Richard E. Burke, Jr.)

David Davignon is present for the case and states that they are waiting to hear from Town Counsel and would like a date on the next meeting.

The matter is continued to October 22<sup>nd</sup> at 8:00 p.m.

Issue: ANR for 2 lot division at 15 Katherine Street, Taylor Martin of Westport, MA, applicant; represented by David Davignon of Schneider, Davignon and Leone, Inc. of Mattapoisett, MA.

David Davignon is representing Taylor Martin, the owner of the property at 15 Katherine Street, and explains that the property is off of Hebert Road, which is a long winding dirt road. The property has two cottages on it which are from prior to 1955 and predate subdivision control law. Under Mass General Law Chapter 41 Section 81L, any property which is currently non-conforming with two structures on it can divide with as equal a division as possible, which is what is being proposed. In order to complete their approval process with the Land Court, the plan must be endorsed by the planning board.

Mr Davignon explains that the plan involves one lot around each house and the implementation of new title V wells and septic systems. Lot 23 wraps around lot 24 so that the septic systems can be optimally placed. The configuration is odd but is the best way to divide the lot and comply with all regulations.

After discussion, there is a motion to approve the plan as submitted.

So moved: R. Ellis

RECEIVED

2020 NOV 24 A 10: 27

Second: B. Deschamps  
Vote was 3 for, 2 absent.

Issue: Presentation on a proposed Common Drive off Main Street, M1H1, LLC of Dartmouth, MA, applicant; represented by Christian Farland, P.E. of the Farland Corporation of Dartmouth, MA - request for public hearing.

Christian Farland is present to explain the common driveway plan for the property located off of Main Street. He shows the plans and describes the property, which was acquired about a year ago as 6 ANR lots. Three houses have been developed and they are now looking to add lots in the rear of the property, and for economic and public safety reasons it seems optimal for them to have a shared driveway. Mr. Farland states that the plan provided meets all stormwater requirements and minimum driveway requirements with an eighteen-foot driveway and there are no wetlands. They are looking to move forward with the three lots as soon as possible and have three buyers at the ready.

Bryan Deschamps asks the length of the common drive. Mr. Farland responds that it is approximately five hundred feet in length.

The applicant is requesting a public hearing on the matter.

Rick Ellis notes that this seems like an optimal situation for a shared driveway.

A motion is made to schedule the public hearing on this matter for October 22 at 8:15.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: ANR for 3 lots at 251 Mendall Road, John Williams of Dartmouth, MA, applicant; represented by John Romanelli of Zenith Land Surveyors of New Bedford, MA.

John Romanelli is representing the owner, Jay Williams, and shows the plans, explaining that the owner is looking to form three lots off the girl scout camp property. They will be buildable lots with frontage on Mendall Road. Lot 29-3 will be 60,000 square feet, lot 29-2 will be 60,104 square feet, and lot 29-1 will be 60,149 square feet. A portion of the remaining land will be a solar farm and the fence for the solar farm is about 800 feet off the roadway, so there would be 400 feet behind the lots before the solar farm starts.

A motion is made to approve the plan as submitted.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Lot Line Relocation at 158 Peckham Road, Josh Arruda of Acushnet, MA, applicant; represented by John Romanelli of Zenith Land Surveyors of New Bedford, MA.

John Romanelli shows the plans for the project and explains that Lot 8K, which is 60,167 square feet, has a pre-existing non-conforming structure that will be taken down. Josh Arruda lives at address 148 which is now lot 7J and is in the process of trying to sell; he has an interested buyer and before selling he wants to move the lot line to have two conforming lots. Mr. Arruda's house is on town water so there will be no concerns regarding a well. The house on 158 still has a well in use which may or may not be tied into town water in the future.

Bryan Deschamps comments that he thought the house was being razed due to its proximity to a common way and that it needed to be 150 feet away. Rick Ellis adds that this is a zoning issue that the building inspector will look into.

A motion is made to approve the plan as submitted.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue: Discussion regarding development of 3 lots on Bradford Street (a private way), Deterra Brothers Development of Acushnet, MA. Represented by John Romanelli of Zenith Land Surveyors of New Bedford, MA.

John Romanelli shows the plans and explains the project on property owned by the Deterra brothers which will, by Form A, create three Village District lots right up the road from Labonte street. They will bring sewer and a water line down, add a hammerhead turn and create building lots 481-1, 481-2, and 481-3. They wanted to have a quick discussion tonight and come back next month under an ANR to get approval.

Rick Ellis asks if the Deterra brothers also own lot 482. John Romanelli responds that they do. Rick Ellis asks why they do not want to do smaller lots off of the other larger parcel. John Romanelli responds that it is due to where the Village District ends, right in front of the frontage of these three lots.

Henry Young recommends that Mr. Romanelli come in to meet with the department heads to discuss the project.

Issue: A motion is made to accept the minutes from the July 14, 2020 meeting.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

All minutes are on file at the Planning Office, 130 Main Street, Parting Ways, 2<sup>nd</sup> floor.

Issue: Confer signatory power (on behalf of Planning Board members) to Chairman Marc Cenerizio for documents approved by the Planning Board and requiring signatures of Planning Board members.

RECEIVED

2020 NOV 24 A 10:27



Henry Young notes that in order to streamline the signature process during the pandemic, Mass General Law Chapter 41, Section 81P and 81X allows the board to designate an individual to be the sole signatory on ANR plans and subdivision plans on behalf of the Planning Board. The board must approve sole signatory status, then send a letter to the Bristol County Registry of Deeds notifying them of the change. The change would only last for the duration of the Covid-19 crisis when public meetings are not possible. Henry Young reads an excerpt from a prepared letter to the Registry of Deeds.

Henry Young then reads a motion prepared by KP Law: it is moved that the board authorize Marc Cenerizio, Chairman of the Planning Board, to endorse ANR plans on behalf of the board as permitted under General Law 41-81P and to endorse subdivision plans on behalf of the board as permitted under general law 41-81X, and further move that the letter reviewed be transmitted to the Registry of Deeds as the notice required under both statutes.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue:

Planner Update

Henry Young states that a Shared Streets Grant in the amount of \$14,000 has been won to build a small segment of bike and walking path to connect Riverview Park with Slocum Street along River Street, and that construction begins soon.

Next, Henry Young mentions that Town Meeting will be November 14<sup>th</sup> and the Planning Board will be seeking to have by-law amendments to address the common drive issue. There was interest expressed in allowing multi-family development in the business commercial district. Both issues would require public hearings to discuss.

Henry Young requests a public hearing for two by-law amendments, one for common drives and one for multi-family use in the business commercial district.

A motion is made to have a public hearing for the by-law amendments that Henry Young mentioned.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

A motion is made to close the meeting.

So moved: Rick Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Respectfully Submitted,  
Jenn Brantley

RECEIVED

2020 NOV 24 A 10:27