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TOWN OF ACUSHNET
MASSACHUSETTS

OFFICE OF THE PLANNING BOARD

122 MAIN ST.

ACUSHNET, MA 02743

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Acushnet Planning Commission
Regular Meeting and Public Hearings
November 12, 2020

Open: 6:35 p.m.
Adjourn: 8:22 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: A motion is made to accept the minutes for the October 22, 2020 meeting.
So moved: R. Ellis
Second: B. Deschamps
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

A motion is made to open the public hearing.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent

John Romanelli and Jamie Bissone are present representing the project. Mr.
Romanelli explains that it had already been approved as a common driveway in
June of 2018 and that they have been struggling to get three buildable lots out of it

ever since. Mr. Romanelli states that the building inspector has an interpretation of a bylaw that has been holding them up, and Henry Young has been attempting to get the bylaw changed but it hasn't worked out. As a result, the new plan is to try for a Form C with a list of waivers, which is what is being opened up tonight. Henry Young asks for a review of the plans and an overview of the waivers being sought.

Jamie Bissonette describes the plans, showing an overlay of the common driveway layout, the majority of which has already been constructed. It has a Form C right of way layout.

The roadway is intended to be private, so no burden is expected on the town. It will be privately maintained. The fifty-foot right of way has a hammerhead which has mostly already been constructed, and provides frontage for three lots created by the common driveway and Form A special permit application, which has already been approved. Mr. Bissonette adds that approval from conservation has already been received for this work, and they have already gone over stormwater with the board when the common driveway was approved.

Rick Ellis asks if this is the exact same plan that was approved as a common driveway.

Mr. Bissonette replies that the grading and drainage are the same, but the lot lines and the planned process have changed. He then shows the plans and explains the stormwater plan, which includes an infiltration-style basin. A wetland crossing has already been installed with a box culvert. A super-elevated style roadway goes into a detention area with a level spreader. The flow is carried underneath the roadway via culverts at several points.

Mr. Bissonette then goes over each waiver and exception that is requested, including waivers for: the size of the paved radii, dead end length, the requirement for planting strips on each side of the roadway, the typical roadway cross-section, having the road be gravel, the requirement for bituminous curbing (which he states is not needed for their style of drainage), the slope of the street, the requirement for the use of reinforced concrete pipe for the storm drain, and the regulations for the depth and size of the pipe. Mr. Bissonette also notes that the plan does not have a profile, but it will be the same as what was on the common driveway plan.

Rick Ellis notes that for profile purposes, the common drive plan could be included as an attachment, and adds that the waivers are the same as those approved under the common driveway, so nothing stands out to him as particularly problematic, and mentions that he would like to sit down with Henry Young and the applicant's representation to discuss the issue with the interpretation of the potentially problematic bylaw that was previously mentioned by Jamie Bissonette. Rick Ellis asks if there must be advertising and abutter notifications. Henry Young confirms that that would indeed be required. Rick Ellis adds that anyone who was notified a long time ago when this all began probably didn't know this proposal would reappear, and should be made aware of

new continuances.

Doris Arruda, owner of 148 Peckham Road, is present and states that everyone has been notified and this process has continued for a very long time and been a huge nuisance to her family, and expresses her wish for this to be voted on this evening.

Abutter Donna Lopes of 178 Peckham Road is in attendance and states that she feels the plan is not very clear or detailed and that the list of waivers needs to be clearly spelled out on the plan. Additionally, she wonders why they need these waivers and says that Mr. Arruda has created his own hardship by not getting all necessary approvals before starting construction. Her concern is that if all these waivers are granted, it will open the door for others to do the same, and lead to an explosion of growth that does not meet subdivision rules and regulations.

Marc Cenerizio suggests a walkabout to examine the property.

Mrs. Arruda states that she doesn't understand the issue and that no one seems to have any problem with the plans besides Ms. Lopes, and feels the work they are doing will make the area nicer and add to property values.

George Dasilva, who is buying one of the lots, speaks to address Ms. Lopes' concerns, and states that this has already been approved as designed and built, and that nothing was done without approval, adding that the fact that approvals changed was not the fault of the builder.

Josh Arruda, owner of 148 Peckham Road, argues that the waivers being requested are very reasonable under the circumstances, particularly since they wanted to do a common drive but feel forced into a Form C by entities in the town. He states that he just wants a clear set of expectations and that he is fine with having a walkthrough, and invites Ms. Lopes to join.

Rick Ellis states that if approved, approval should be worded so as not to set precedents for gravel driveways all over the town, concluding that he feels certain nothing should be voted on tonight.

A motion is made for the board and other concerned parties to convene at the property on Saturday November 21st at 10:00 a.m.
So moved: R. Ellis
Second: B. Descamps
Vote was 3 for, 2 absent.

A motion is made to close the public hearing and return to regular session.
So moved: R. Ellis
Second: B. Descamps
Vote was 3 for, 2 absent.

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/
GreenmanPedersen, 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.

Henry Young states that he received an e-mail from Phil Lombardo, applicant's
attorney, requesting a continuation of the public hearing.

A motion is made to continue the case to the next meeting on December 17th.
So moved: B. Deschamps
Second: R. Ellis
Vote was 3 for, 2 absent.

A motion is made to return to open session.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

Issue:

Public Hearing: Common Drive off Main Street (Continuation), MIHI, LLC of
Dartmouth, MA, applicant; represented by Christian Farland, P.E. of the Farland
Corporation of Dartmouth, MA. A Special Permit is required.

A motion is made to open the public hearing.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

Jack Tabares of Farland Corporation explains that they are requesting a special
permit for the common drive for lots 5.4, 5.5, and 5.6 on Map 3 off of Main street.
At the last public hearing, they proposed a common drive to minimize disturbance
of the vegetation and to minimize the confusion of having three driveways so
close together. Mr. Tabares states that since the last meeting, they have spoken
with the Fire Chief, who suggested an emergency vehicle turnaround at the end of
the drive. They have made the change and submitted a new plan to which the Fire
Chief had no objections.

Rick Ellis asks if there have been any comments from other boards or
departments.

Henry Young asks Mr. Tabares if there has been any feedback from the DPW,
specifically about the drainage swales. Mr. Tabares says they have not received
any feedback regarding the drainage, but that it was designed to Town of
Acushnet standards. He then shows the cross section of the gravel roadway and
explains the drainage patterns.

Rick Ellis suggests that the swale ought to be incorporated into the cross section
so that there are no questions.

Henry Young says that DPW should be consulted.

Bryan Deschamps asks where the nearest house is located, wondering how the bylaws are to be applied to the board's determinations regarding common driveways. Henry Young notes that there are bylaw interpretation issues that need to be discussed with the Building Inspector.

A motion is made to approve the special permit, contingent upon the addition of the swale to the typical roadway cross section, and subject to DPW approval.
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 regular session.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

Issue:

ANR for 1 lot at 88 Mill Road for Seth Desroches, applicant (STD Holdings LLC see deed book 13471 page 295); represented by John Romanelli of Zenith Land Surveyors of New Bedford, MA. The property is currently one house lot and the applicant seeks to create an additional lot. The current property has frontage on both Mill Road & Clara Street.

John Romanelli explains the plan to create an ANR lot. There is an existing dwelling at 88 Mill Road. Seth Desroches recently purchased the property, which is made up of five parcels. New lot 46M will be created on map 24, consisting of 61,330 square feet, all upland with no wetlands. The remaining house lot at 88 Mill Rd will still have 60,366 square feet, also all upland. It is a preexisting non-conforming house lot, as the house is about two feet off the lot line. The second lot being created has frontage on Clara Street. The building inspector has already advised the applicant that he will have to expand the gravel road and consult with DPW about what is needed to obtain a permit. There is one existing house that uses Clara Street for access. The deed also includes a lot on Victor Street and Clara Street, that is going to try to be combined at some point down the road.

Marc Cenerizio asks how far down Clara Road is accepted. Mr. Romanelli replies that it is private, not accepted or maintained by the town, preexisting subdivision control law, and will have to be improved at least to the point of the proposed dwelling on lot 46M.

Rick Ellis states that this discussion seems contradictory to the decisions they made regarding projects on the other side of town, and is unclear what the distinction is.

Henry Young notes that a turnaround at the end of Clara Street for emergency accessibility is notably absent from the plan.

A motion is made to approve the plan subject to a note being added to the plan that the buildability of new lots 46M and the combination of lots 46E and 46F would have to comply with applicable Acushnet zoning bylaws, in order to establish that the Building Inspector will make the determination.

Issue:

ANR for lot division at 329 Middle Road for Kim & Heriberto Natal, applicant (Acushnet Assessor's Map 18, Lot 61); represented by John Romanelli of Zenith Land Surveyors of New Bedford, MA. The existing property is 8.75 Ac., and the applicant seeks to cut out a non-buildable parcel of land (approximately 10,000 sq ft) to be conveyed to Mark & Jennifer Saucier who live at 30 Earle Street. Mark & Jennifer Saucier want to expand their back yard which is currently very shallow. The parcel created will have no frontage, just an upland parcel to add to 30 Earle Street.

John Romanelli explains that the non-buildable parcel of farm land will be transferred to the Sauciers so that the Sauciers can expand their back yard. The plan proposes creating a parcel of 16,250 feet. It will be taken out of the Natal's farm land and added to the Sauciers' property on Earle Street, lot 58F.

A motion is made to approve the plan as submitted.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue:

Presentation on a potential ground mounted solar array off Gammons Road and Mattapoisett Road known as Acushnet Assessor's Map 9, Lot 32, Map 10, Lots 1, 2, 3 and 1A.3A for BWC Mill Pond LLC; represented by Richard Riccio, PE Field Engineering Co. Inc., Mattapoisett, MA 02739. The applicant will be seeking a public hearing in December, 2020.

Rich Riccio is present to explain the project, and shows the plans to the board for a 6.2 MW DC solar array being proposed on several parcels of land in Acushnet right on the Mattapoisett town line. The access into the site would be an 18-foot wide and 1,400-foot long gravel access drive off of Long Plain Road in Mattapoisett. There would be a fenced in area of 24 acres, containing approximately 13,700 panels.

Mr. Riccio continues, stating that the property is mostly wooded, adjacent to some agricultural use on the Northeast corner of the property, and is very well screened from public ways or residences, the nearest house being about 1,000 feet from the closest panel. The array of panels run north/south on a single access tracker system, and follows the sun from morning to evening for efficiency. There will also be two sets of concrete pads for equipment, transformers, and inverters, as well as an energy storage container on one of the pads.

Mr. Riccio adds that the site will be maintained as is with the existing grades, and they are proposing two detention areas to attenuate the increase in the rate of runoff from pre-developed to post-developed condition. The site will be enclosed with a seven-foot high chain link fence with a number of gates to provide access into the facility and for operation and maintenance of the detention basin. An 18-foot wide gravel drive is proposed all the way to the equipment pads. There is a

minimum 20-foot wide clear path around the array within the fence, and access is through Mattapoisset. Mr. Riccio concludes by noting that the Mattapoisset planning board has already been spoken to, and that for the drive, the project only needs Conservation Commission approval from Mattapoisset for a drive that goes through a wetlands system.

Bryan Deschamps inquires about emergency access and whether the site could be accessed all the way around in the event of problems.

Mr. Riccio says yes, there will be adequate turning movement around the array, adding that the plan has been reviewed with Chief Gallagher as well as the Fire Chief in Mattapoisset, and Chief Gallagher has expressed that the Fire Department intends to work together with Mattapoisset on emergency response issues. Marc Cenerizio asks how big the concrete pads will be. Mr. Riccio responds that they are each about ten by forty, and that the impervious area has been factored in to the stormwater calculations.

Rick Ellis inquires as to where the nearest house is in Acushnet. Mr. Riccio shows it on the plan, stating that the nearest house is about 550 feet from the fence line, mostly through woods.

Henry Young recommends that a public hearing be set.

A motion is made to set the matter for public hearing on December 17, 2020.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue:

ANR for 6 lot plan at 301 Perry Hill Road for Mark Franco's, applicant; represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisset, 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 plan and expresses that they have been before the board a few times to discuss division of lot 25B into a 6-lot ANR subdivision. He explains that they presented it back in August and then awaited Town Counsel's review. Mr. Franco's right to upgrade the road seemed to be settled, and now they are asking that the board allow them to upgrade the road and come back in with an ANR plan, as the layout in this plan predates subdivision control and has existed a long time.

Mr. Davignon shows another plan laying out what they are thinking of doing, describing how the ancient way runs through two properties and the ANR would divide the lot into 6 lots. Lot 2 has Mr. Franco's home on it. All 5 unbuildable lots have had perc tests and have good soils. The road running through both properties ends in a cul-de-sac. The road starts at Perry Hill Road and is roughly 22 feet wide and gravel, and narrows down to about 14 feet and carries right on through the property to another road which already has a gravel cul-de-sac.

Mr. Davignon states that they would come back in a month or two with a construction plan, but the plan spells out that they are proposing to bring the gravel road up to code by making it pavement, twenty feet wide, with a Cape Cod berm on both sides. After that upgrade, they would come in with an ANR plan. This evening's goal is to get a vote by the board that they can proceed with the road upgrade and that the process would be allowed through an ANR.

Rick Ellis asks if this road provides access only to the six lots shown, and if they will be split again later.

Mr. Davignon responds that there would be no further division of this property, but that the road would service an existing house on the lot to the south that currently uses the gravel road, and will continue to service the connecting road.

Rick Ellis conveys that he would like to take a walk and see what the current state of the road looks like.

Marc Cenerizio asks how long the road is. Dave Davignon states that it is 1,388 feet and that a waiver was granted for the cul-de-sac at the end and that it cannot be further subdivided because that was the extension of the way.

Marc Cenerizio asks if the cul-de-sac is really there or if it's just on paper. Mr. Davignon says it was built when the house was built, but only the middle has been maintained, so it doesn't look like it once did.

Marc Cenerizio says the Fire Chief should be consulted regarding the cul-de-sac.

Rick Ellis adds that the original approval should be examined to see if it was up to the owner to maintain the turnaround, or up to the Fire or Police Departments.

Dave Davignon asks to be put on the next agenda so there can be a formal vote on the ANR proposal.

A motion is made to have the walkabout on November 21 at 11 a.m. at 301 Perry Hill Road and to place the case on the next meeting for December 17.

So moved: B. Deschamps
Second: B. R. Ellis

Vote was 3 for, 2 absent.

ANR for lot division at 120 Perry Hill Road (Acushnet Assessor's Map 9, Lot 18A), for Perry Hill Cranberry Realty Trust, applicant; represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisett, MA 02739. The existing property is 44.88 Ac., and the applicant seeks to cut out a non-buildable parcel of land (11,250 sf) and attach to abutting lot (Acushnet Assessor's Map 9, Lot 18C).

Dave Davignon starts by showing a plan that was approved in April of 2016. After it was submitted, it was decided not to develop all of the lots at once, so a new plan was later submitted that consolidated some of the lots. Mr. Davignon

Issue:

states that the goal of tonight's filing is to recreate lot 3A, which has 150 feet of frontage and has a home under construction. The lot is 488 feet deep, and the property is almost finished for development and ready to be transferred to the new owner, who is looking to make the lot bigger.

A motion is made to approve the plan as submitted.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Planner Update

Issue:

Henry Young says that the town will be submitting for another Shared Streets grant in the near future.

Rick Ellis mentions that in general, he is struggling with the distance of 150 feet that a road is supposed to be from a house, which continually comes up. He is wondering why a subdivision road can be 26 feet wide with sidewalks and that can be right up against somebody's property line, and that road can service a large amount of homes and that's acceptable, but a gravel driveway that only services a few homes is not necessarily permissible. He would like to further discuss the bylaw in detail.

Bryan Deschamps agrees, and Henry Young confirms that it does not make sense, which is why they are trying to eliminate the item from the bylaws.

Respectfully Submitted,
Jenn Brantley