



TOWN OF ACUSHNET
MASSACHUSETTS

OFFICE OF THE PLANNING BOARD
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Acushnet Planning Commission
Regular Meeting and Public Hearings
October 22, 2020

Open: 6:46 p.m.
Adjourn: 9:14 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 September 24th meeting.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

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

Issue: Vouchers were signed. They are on file in the Planning Office and in the Finance Department, 122 Main Street, Town Hall.

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: B. Deschamps

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Rick Ellis asks if there is any intention to divide lot 25B. Dave Davignon explains that there was a plan dividing the Francois property between brothers, creating lots 25A and 25B. Currently, 25B is no longer a single entity, but three retreat lots. The proposal is to create a roadway layout over the ancient way and turn the easement into a formal layout, bifurcating the retreat lots and creating frontage on both sides. The three lots would then become six lots.

Rick Ellis asks how long the roadway from Perry Hill would be in order to get to the proposed lots. Dave Davignon consults the plans for the subdivision which was approved for the end of the ancient way; there was a waiver granted for that subdivision. Henry Young clarifies that the waiver was for the Tripp property at the end but not for any lots along the way. Dave Davignon states that the waiver was granted for the road to be 1,388 feet long to the cul-de-sac.

Henry Young notes that the purpose was to determine what the rights of Mark Francois were in regard to the piece of road with common ownership, and that would lead to the potential for further development through subdivision on the fork that went off to Mark Francois's property. The next step, if Mr. Francois wants to pursue a Form C subdivision, is to have a department head meeting to discuss options and begin to address issues such as length of way.

Rick Ellis notes that this should include a complete list of all required waivers.

Dave Davignon suggests submitting a preliminary subdivision plan to obtain some feedback before moving forward.

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.

A motion is made to go from regular session into public hearing.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Brandon Smith of Borrego Solar Systems is present and states that the project has incorporated comments from the Planning Board, Chief Gallagher, Conservation Commission, and, most recently, the DPW, into its plans and that they have reached an agreement with S.W. Cole on the decommissioning. He believes they are ready to close the public hearing.

Henry Young confirms that a letter has been received from S.W. Cole regarding the decommissioning, explaining that the decommissioning amount will be paid by check in the amount of \$195,000 and will go into the special permit, which will eventually be signed after the 21-day appeal period.

A motion is made to accept the proposed ground mounted solar array at 251 Mendall Road and approve the special permit and site plan review.

So moved: R. Ellis

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near to their front yard and feels that a drive-through is not allowed by the bylaws under any circumstances. His biggest concern is traffic, as the drive-through exit will be very close to this driveway and he feels it will be unduly difficult to get out of his driveway onto Main Street.

Dave Davignon wishes to speak on behalf of Patrick Liberty, who lives right across the street from the site. He states that car lights would be directly angled into Mr. Liberty's living room, whereas his current view is a residential house. Mr. Davignon adds that the bylaws state that development is not supposed to impact the neighbors. He states that the design of the project is terrible and it needs to be smaller to prevent undue negative impacts on abutters. He adds that the drive-through is not permitted and that an additional by-law prohibits paved access roads on the side and rear of buildings. Mr. Davignon feels that this necessitates two variances that have not been applied for, and that this should be addressed before site plan review.

Tom O'Brien, who states that he has owned Rochelle's Restaurant on Main Street for about twenty years, also expresses concerns that the structure being proposed is far too large, as he often hears about how much people enjoy the quaintness of the town. He questions why the structure cannot be planned within the restriction of 3,000 square feet. He inquires as to what services are going to be provided that necessitate such a large building.

Andy Springer owns land on Keene road and expresses that he cares deeply about the town. When he grew up, a Shell Station was on the land in question, which eventually became Tony's. He feels that the proposed use is similar to what the property used to be, and is in favor of approval of the project, as there are many benefits including employment, a more attractive site, and real estate revenue for the town. He understands the issues of the neighbors but supports the project.

Pat Liberty, who lives across the street, is present and states that there is difficulty getting onto Main street from a driveway even in normal circumstances, and the situation is complicated by buses. He is concerned about children getting on and off the buses in proximity to the drive-through. He is also concerned about light pollution throughout his home due to the angle of the driveways and fuel pumps, and feels that the size of the building will generate far too much traffic and should be sized down, and that the building should be re-angled and the drive-through eliminated.

Gary Hathaway of 19 Weston St. is in attendance and wants to know what services and products are offered, as this was asked and not answered, and he feels that is relevant to the type of traffic that will develop. He also wonders about a determination on the drive-through.

Rick Ellis inquires about whether a drive-through is completely prohibited, as that is his understanding. He also asks for clarification on the rule about square footage and special permits.

Henry Young responds that a structure of 3,000 square feet is allowed, and anything in excess of 3,000 square feet requires a special permit to be approved

drive to the site.

A motion is made to continue the public hearing until November 12.

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: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue:

Public Hearing: 1209 Main Street Solar Project, Roy Morrison & Associates, LLC of Warner, NH, applicant; represented by Rene Gagnon, Zenith Consulting Engineers, LLC of Lakeville, MA. This proposal is for a 90 KW (AC) ground mounted solar array.

A motion is made to go from regular session into public hearing.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Jamie Bissonette from Zenith Consulting explains that since the last meeting, they have presented at a department head meeting and implemented the requested changes. The previously 200-module unit is now a 198-module unit with two dummy panels to look like a full array. It is projected to be about 89.1 KW DC, which is 72 KW AC. They will need to take down about 11 trees in the back of the residential property. The array will be enclosed with a fence, and the inverters have been moved further away from the abutting property.

Mr. Bissonette states that Conservation Agent Merilee Kelly has written a letter stating she believes the project is exempt from the stormwater bylaw since they are not changing any topography or ground cover type.

Marc Cenerizio reads a letter from direct abutters Susan S. and Keith R. Amaral stating that they have reviewed the proposed solar project and have no issues.

Rick Ellis notes that at the last meeting, there was a request to consider not requiring a decommissioning amount, and wants to check in about that. He also inquires as to whether this array will belong to the homeowner or to an LLC or other entity.

Applicant Robert Naser is also present and explains that the project is a commercial installation and the property is being leased from the Ferreiras, providing a source of income for them. Regarding the bond, he reached out to S.W. Cole last week and they had no information about the project in their office, so could not comment. Mr. Naser states that he is not opposed to a decommissioning bond, but wants it to be commensurate with the size of the project.

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Marc Cenerizio asks if a hammerhead turn is needed. Henry Young then asks Mr. Tabares to explain how emergency vehicles would be able to turn around.

Mr. Tabares shows the plan and explains there is room for a hammerhead turn at the rear lot if necessary.

Henry Young recommends that the applicant meet with the Fire Chief before proceeding, in order to address the turnaround issue.

A motion is made to continue the issue to the next meeting on November 12th.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

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

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

Issue:

Public Hearing: Bylaw Amendment. Article VIII, 3.3.C.14 (8), (eliminate), and Article VIII, 3.3.3.B (consider multifamily). A vote is required to place on the warrant for Fall Town Meeting.

Henry Young explains that before Covid-19 occurred, they had attempted to correct a problem with the common drive bylaw amendment. 3.3.C.14 (8) is in conflict with the next bylaw item. 3.3.C.14 (8) states that no driveway can be constructed within 150 feet of any principle structure, and the next item says that it must be within 150 feet. The fix is to eliminate 3.3.C.14 (8). This has been sent to the Board of Selectmen to be incorporated into the Town Meeting Warrant if approved.

Dave Davignon asks why the 150 feet isn't changed to the street setback instead of deleting the item entirely, and expresses concern about the idea of having zero setback between the easement of a common driveway and a house.

Henry Young says some of the confusion is the interpretation of what the structures are that are being talked about. Within the bylaw, the structure being referred to is actually another road, not a building, which may have been part of the initial confusion in the interpretation of the bylaw.

A motion is made to eliminate Article VIII, 3.3.C.14 (8) from the bylaws as proposed.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent

Henry Young then explains that the second item allows for the use of multifamily in the business commercial district. It is to be tabled until there is a chance to better vet and have a public discussion.

Issue: Stormwater Permit Presentation by Conservation Commission Agent

Conservation Agent Merilee Kelly is present to talk about her new stormwater permit. Her goal is to prevent people from clearing out their whole lot, as it will help with stormwater if they do not do that. The permit will help keep the town informed about what residents are doing, and will apply to all projects.

The permit asks for different types of cover and for slopes and percentages and who will take care of the stormwater. Merilee Kelly shows the form to the Board. The form asks for plans and information about the parcel. It also asks for the contact information for the applicant, engineer, and contractor. The as-builts must be submitted and the date they are submitted will be recorded on the new permit.

Henry Young asks if this permit would apply to detention and retention ponds. Merilee Kelly responds that it should. Henry Young then asks if the DPW is responsible for the maintenance of those. Merilee Kelly says that they sometimes are, but other times they are on private land and then the homeowner maintains them.

Rick Ellis asks Henry Young if this permit would be incorporated into subdivision rules and regulations or, if not, how it will be used. Henry Young then asks Merilee Kelly if this is just a modification of the existing stormwater application process, and Merilee Kelly says it is indeed a modification and will not affect any of the other bylaws. The permit will just provide more useful information to her board.

A motion is made to accept the Stormwater Permit Application presented by Conservation Agent Merilee Kelly.

So moved: B. Deschamps

Second: R. Ellis

Vote was 3 for, 2 absent.

A motion is made to adjourn the meeting.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Respectfully Submitted,
Jenn Brantley

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