



TOWN OF ACUSHNET
MASSACHUSETTS

OFFICE OF THE PLANNING BOARD
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Acushnet Planning Commission
Regular Meeting and Public Hearings
January 21st, 2021

This meeting was held remotely via Zoom Meetings.

Open: 6:34 p.m.
Adjourn: 9:01 p.m.

Present: Marc Cenerizio, Chairman
Bryan Deschamps
Rick Ellis
Phil Mello

Absent: Mark DeSilva, Sr.

Issue: A motion is made to open the meeting.
So moved: R. Ellis
Second: P. Mello
Vote was 4 for, 1 absent.

Issue: Marc Cenerizio reads a letter from Henry Young dated December 21, 2020 stating that Mr. Young is leaving his position as Planner and Special Projects Manager, effective January 11th, 2021, to pursue other interests and spend more time with family. Mr. Young's letter expresses his pleasure at working with the Planning Board and wishes the Board continued success.

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

Issue: Rick Ellis notes that with Henry's resignation, there is currently no administrative support at all, and warns that this may considerably slow down certain processes. Marc Cenerizio adds that they are working with the Town Administrator to get additional help, and issues a reminder that the Planning Board is a volunteer board.

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

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a single access street.

Marc Cenerizio reads a letter from the Fire Chief commenting upon the road width, emergency vehicle turnaround capacity and water access of the subdivision plan. The letter states that Chief Gallagher has reviewed the plan and feels that the turnaround complies with regulations. He leaves the judgement of the road width up to the Board, and requests that an additional fire hydrant be installed in order to comply with state fire code.

Jamie Bissonnette of Zenith Land Surveyors is present for the case and says that based on the Fire Chief's comments, they will add an additional hydrant further down the roadway.

Rick Ellis mentions that he would like to see some additional notes on the plan. A motion is made to approve the plan, subject to the addition of a fire hydrant and additional notes being put on the plan to define that the road is limited to three dwellings and that the town will not be responsible for maintaining the road, and furthermore, that people from these lots will not be able to request acceptance of the road by the town unless the road is brought up to standards.

So moved: R. Ellis

Second: P. Mello

Vote was 4 for, 1 absent.

Marc Cenerizio notes that there is a twenty-day appeal period, and that a certificate of action will be delivered to the Town Clerk to let her know that they approved the plan.

Issue: Rick Ellis states that there is a lot of history to the retreat lot issue and why it is in the by-laws, adding that he wants to take some time to put together a letter to the Building Inspector, Board of Health, and Board of Selectmen to explain it, as there are distinct advantages to the town for retreat lots as opposed to subdivisions, and he wants that history to be on the table so everyone is aware of what the reasoning is.

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/ 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.

Marc Cenerizio notes that there is a set of plans that has been distributed to the Board of Appeals that the Planning Board does not yet have.

Mickey Higgins is present, owner of Delta Realty and also an owner of New England Retail, which is affiliated with New England Farms Convenience Stores. He says that there was a procedural mix-up which caused them to miss the last meeting, as he had met with Planner Henry Young and was under the impression that they should be pursuing a special permit from the Board of Appeals before returning before the Planning Board. As such, he was unaware that they were on

the agenda for last month, or that they were on this evening's agenda, until yesterday. Mr. Higgins adds that Heather Monticup is on the meeting to present the traffic report if the Board wishes it.

Marc Cenerizio apologizes for the misunderstandings, but observes that there are still no plans before the Board right now. Mr. Higgins says they do have a revised set, which he can either present now or wait until the next meeting when the board has had time to review a new submission.

Rick Ellis observes that normally the way site plan review works is that the Planning Board reviews it under the site plan review portion of the by-law, then makes a recommendation to the Zoning Board of Appeals, as ultimately the Board of Appeals has the authority to approve or disapprove. Rick Ellis adds that he is currently unclear as to what the proper procedure is, since he doesn't see how approval from the Board of Appeals first would allow the Planning Board to have any input at all in the process.

Marc Cenerizio says new plans should be submitted before a presentation is made.

Mickey Higgins says that he is trying to follow guidelines received from the Town and is looking for clear guidance he can follow, adding that he would be happy to make a presentation and hear comments, but also happy to submit revised plans and give time to review first, but reiterates that he was following the advice of the Town Planner.

Rick Ellis says he understands the frustrations, but also feels that they lost themselves time by not attending the last meeting, then suggests that the time be reset to zero and they consider the revised plan with a traffic study as a totally new application.

Rick Ellis makes a motion to deny site plan review and expect to process a new plan and traffic study at the next meeting. Mr. Higgins says that instead they would like to withdraw the previous application and resubmit, adding that he doesn't believe the time constrictions apply due the Governor's state of emergency, but he feels it is cleaner to withdraw and make a revised submission.

A motion is made to accept the withdrawing of the plan submitted previously, and to reset the clock for a new submission for a revised plan with a traffic study.

So moved: R. Ellis

Second: B. Deschamps

Vote was 4 for, 1 absent.

The matter is scheduled for February 18th at 6:45 p.m., in order to allow some time before the next Board of Appeals meeting on February 23rd.

Joshua Desroches of 168 Main Street, an abutter to the planned development, asks how this affects the Board of Appeals, who were planning to vote on the special permit for the size of the building, and asks if their vote can still take place.

Marc Cenerizio responds that it will still take place, and this is the reason why they have scheduled the next meeting prior to the next Board of Appeals meeting which takes place on February 23rd.

Mr. Desroches is concerned that the Board of Appeals already has information that the Planning Board doesn't have, and that there will only be a few days for the Planning Board to act on the information they receive from the applicant at the next meeting and to communicate with the Board of Appeals. Mr. Desroches is concerned that the Town will be rushing into decisions, and is hoping that the Board of Appeals vote on the special permit could be delayed to allow enough time to look through all the information, concluding that he feels that the timing and scheduling being proposed is not very professional.

Rick Ellis expresses that he does not appreciate the insinuation that the Board is unprofessional, and asserts that if they have so much information that the Planning Board can't give a reasonable opinion to the Board of Appeals within a few days, then they won't do it, as the Planning Board decides what the process will need to be for site plan review, and will decide if additional peer review is needed. Rick Ellis adds that the plans, stormwater, and traffic study must be submitted to the Board before anything can be decided about what to do.

Mr. Desroches says he intended no disrespect to the board.

Marc Cenerizio requests that the applicants have the materials submitted to the Board by February 4th, and Mickey Higgins agrees.

A motion is made to continue to February 18th at 6:45 p.m.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent, as Phil Mello is no longer present on the virtual meeting.

Issue:

Public Hearing (Continuation): Proposed 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 is seeking a Special Permit.

Rich Riccio reminds the board about the solar project planned on the Acushnet and Mattapoisett town line, updating the Board that they now have an order of conditions from the Conservation Commission on the project, and are waiting for a decommissioning review from S.W. Cole. Mr. Riccio says he believes everything else is all set, and requests that the board act tonight and then they can continue to work with S.W. Cole to finalize the decommissioning amount.

Marc Cenerizio asks if they showed all the modifications requested by the various stakeholders. Mr. Riccio says he submitted an e-mail he had received from Chief Gallagher stating that the project meets the requirements for access, and that they set up a meeting regarding shutdown procedures and emergency response to the site.

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A motion is made to approve the project as submitted, subject to arriving at a decommissioning amount with S.W. Cole.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue:

Public Hearing: Proposed ground mounted solar array (5MW) located at 52 Morse's Lane known as Acushnet Assessor's Map 17, Lots 24, 24B and 24C, for Borrego Solar Systems, Inc., represented by Brandon Smith, PE, of Borrego Solar Systems, Inc, Lowell, MA, 01851. The applicant is seeking a Special Permit.

A motion is made to open the public hearing for the solar array at 52 Morse's Lane.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Brandon Smith, Civil Engineer with Borrego Solar Systems, presents the 5MW AC solar energy and storage facility project to the Board. Mr. Smith shows an aerial view showing the proposed system due east of route 140 off of Morse's Lane. There is an existing driveway at 52 Morse's Lane which will be used for access to the site. Mr. Smith shows the placement of the energy storage and panels, which are in two parts connected by an underground MV trench. There will be seven poles on the driveway. The project encompasses about thirty acres. Mr. Smith shows the wetlands on the plans and explains that they have already gone through the Conservation Commission and been approved at their last meeting. Because of wetlands, the arrays are split into two sections, the combined total being 5 MW. It is a traditional fixed tilt racking solar array on a wooded site requiring about thirty acres of tree clearing. Within the fenced area, stumps will be removed, while outside the fence the stumps will be left. Mr. Smith says they have met with various department heads including Chief Gallagher, adding that there is a perimeter access road around each array as well as heading to each electrical equipment area, and that approval has been received from DPW as well for access onto Morse's Lane. The existing driveway will be lengthened, but no new driveway will be constructed. A stormwater analysis has been performed, and stormwater will be captured and transported to a detention basin in the southeastern corner of the site, and discharged as close as possible to the preexisting discharge rate.

Marc Cenerizio states that the Planning Board received a letter from Conservation and Stormwater Agent Merilee Kelly, dated January 8th, 2021, expressing her concerns about the solar projects draining into the Deep Brook area, which is already prone to flooding on Morse's Lane. Her concern is that this solar project in combination with another in near proximity, and also combined with the Deep Brook Estates project, will worsen the flooding and water quality, and the letter requests that a consulting engineer be hired to look at the cumulative effects.

Marc Cenerizio inquires as to when the applicant's meeting with the Conservation Commission took place. Mr. Smith responds that it was on January 12th, 2021, after the writing of the letter, and explains that Conservation Agent Merilee Kelly

did bring this up at the meeting, and he showed her his analysis indicating that the water would actually flow away from Deep Brook.

Rick Ellis asks if they will need an order of conditions from the Conservation Commission. Mr. Smith says yes, but the Conservation Commission already voted on it and approved it in their last meeting. Mr. Smith feels that his presentation alleviated Conservation Agent Kelly's concerns. Rick Ellis also asks where the project connects to the power grid, and Mr. Smith shows on the map where it will connect along Morse's Lane. There is discussion about the logistics of connecting to the grid and the relationship to other projects in the area. Mr. Smith notes that they have begun the interconnect permit process and that the direction on how to proceed on that front will come from Eversource.

Bryan Deschamps questions the stormwater diagrams that were shown as he is concerned about the effect on the people of Morse's Lane and the people to the east. After additional discussion of the specific stormwater patterns, Mr. Smith says he can put together a presentation delineating the watersheds and topographies for the next meeting. Rick Ellis requests a copy of the storm drainage report that was submitted to the Conservation Commission for the Planning Board's files.

Rick Ellis asks if S.W. Cole has reviewed the project yet and if they have yet begun to work out a decommissioning cost. Brandon Smith responds that they have not.

Mike McClusky of 120 Mendall Road states that he is an arborist who has done some work in the area and found it to be very wet on the sides of all access roads near the planned development, and he does not feel that the land can support this type of project or understand how the system can absorb all of the extra water without negative impact. He also feels like a large tract of undisturbed land is being disturbed, and that all of the neighbors are against it.

Mark Verronneau from 8 Hunter Street asks how long the project would take. Brandon Smith says once the construction begins, it would take around six months for mechanical construction. Mr. Verronneau expresses concerns about multiple vehicles going down Morse's Lane, which is a very narrow street. Mr. Smith says he understands the concern, but that they have constructed dozens of these sites and they've been making sure things are done safely, and that a construction team would be involved with the Building Inspector to address any safety concerns.

Kevin Mills of 38 Morse's Lane expresses that he shares these concerns about traffic and is worried about tractor trailers bringing in all of these panels and how they are timed and divided up, in addition to whatever work Eversource will need to do, and wonders whether or not he will be able to get into his driveway. Mr. Smith says that Eversource's work would be taking place beforehand, not concurrently with the site construction.

Mr. Mills mentions that last time there was tree clearing, there was an issue of getting up and down the road. Rick Ellis affirms that this is an important issue,

and that there ought to be some kind of traffic management plan to provide safety and protection for the people on Morse's Lane. Rick Ellis also comments on his frustration with the amount of time that the Planning Board spends discussing solar projects, considering how few of them end up getting built.

Mike McClusky of 120 Mendall Road conveys his general concerns about the long-term effects of solar and asks about the lifespan of solar projects and how the efficiency decreases over time. Mr. Smith says the project would have a twenty-year lease with a couple options to extend, and adds that the cost of removal will be reviewed by an objective third party. Mr. McClusky then inquires as to the actual effective life span of panels, and whether they are still viable after twenty years.

Ryan Bailey, Project Developer with Borrego Solar, states that the panels have a 25-year warranty through the manufacturer, and will get replaced if they aren't performing, adding that the panels lose 10% capacity over the course of twenty years, still performing at a high level twenty to twenty-five years out.

Kevin Mills of 38 Morse's Lane then asks about the life of the battery storage facility. Mr. Smith says it should last twenty to thirty years, the life of the project.

A motion is made to accept the application for a special permit.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

The matter is continued to February 18th, 2021 at 7:15 p.m.

A motion is made to go out of public hearing and return to regular session.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Issue:

Public Hearing: Form C subdivision for a 6-lot development at 301 Perry Hill Road for Mark Francois, applicant; represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisett, 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.

A motion is made to open the public hearing for the form C on Perry Hill Road.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for, 2 absent.

Dave Davignon opens by saying that he wishes to make the correction that the plan is a preliminary subdivision, so actually a Form B, noting that Form C would require abutter notifications, and adds that they are just here to seek feedback from the board and then take it to the town department heads for further input, and are requesting to be on the agenda for the February meeting.

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Marc Cenerizio apologizes for the error.

Rick Ellis observes that there is no longer a proposed roadway over the brother's piece of land on the plan, but it's all on one ownership, and that it looks like there is a decrease in right of way width and pavement width below what is typically required for a subdivision road of this length, adding that he assumes there will need to be action taken by the Conservation Commission at some level.

Dave Davignon is unable to share the plans due to technological difficulties, so a decision is made to circle back to this case.

Issue: Proposed ground mounted array at 14-47 Park Drive, Syncarpha Park Drive LLC of New York, NY applicant; represented by the applicant's Engineer, Weston & Sampson of Reading, MA. This proposal is for a 5 MW (AC) ground mounted solar array. The applicant is seeking a public hearing for a Special Permit.

Marc Cenerizio reads a letter he received from the Town Clerk addressed to the Planning Board. It states that documents for tonight's meeting were delivered to town hall just this morning, January 21st. Because all items are required to be delivered to the Town Clerk's office at least one day prior to the meeting, this case must be rescheduled to the Board's next meeting. Additionally, the letter states that, effective immediately, the Town Clerk's office must receive all petitioner documents by noontime on the Friday prior to the Board's scheduled meeting in order to allow the office to properly prepare and distribute files.

Rob Bukowski from Weston & Sampson is representing Syncarpha, and confirms that he understands the letter and that the request for a public hearing will be continued to the next meeting.

The case is scheduled for February 18th at 7:45 p.m.

Issue: Public Hearing: Form C subdivision for a 6-lot development at 301 Perry Hill Road for Mark Francois, applicant; represented by David Davignon, PE, Schneider, Davignon, and Leone, Inc., Mattapoisett, MA 02739.

Dave Davignon introduces the project, a unique property belonging to Mark Francois with an ancient way that runs through abutter Dean Francois's property. The two brothers have divided and further subdivided the parcel.

Mr Davignon states that the client spent a lot of money with attorneys in order to prove that he has the rights to upgrade the ancient way, and would like to do so to create a formal road layout to create ANR type lots with 150 feet of frontage. The ancient way was utilized for the development of the property to the north. Both Francois families use the gravel road.

The abutter, Dean Francois, has made clear his preference that they not upgrade the road, so they are coming before the board tonight with a preliminary plan that shows upgrade of the ancient way only on Mark Francois's property. They want

to create a six-lot subdivision by doing a combination of creating their own road layout, forty feet wide along the common property boundary, and then connect back up to the ancient way layout which is thirty feet wide. The ancient way is thirty feet laid out on a plan recorded with the registry of deeds, which they don't intend to change. Mr. Davignon is unclear whether this requires a waiver for the width of the layout itself.

Mr Davignon continues, describing the next waiver, the width of the road, which is constrained by the wetlands and the need to fit in drainage ponds for stormwater. They are proposing a twenty-foot wide paved road plus twelve inches of cape cod berms on both sides, for a total of twenty-two feet of pavement. Those are the major waivers, but the smaller waivers include: an angle point instead of a turnaround radius, bituminous Cape Cod berms instead of curbing, no sidewalks (as there are none on Perry Hill Road), and a waiver for the requirement for planting strips and utility strips. Mr. Davignon adds that the utilities will be serviced by on-site well water and septic systems and that the electric, cable, and telephone is all overhead and already existing. The road will remain private and under the association of the six homes that use it, so the town will not be obligated to take it over.

Mr. Davignon then says that they have generated a letter and intend to send it to all department heads to solicit written comments before the next Planning Board meeting, because once they get through the preliminary process, they would like to proceed with a more complete set of plans.

Rick Ellis observes that there are a lot of waivers, but the proposal seems reasonable since the Town isn't being asked to accept the road.

Attorney Marc Deshaies is present representing Dean Francois and wants to point out the issue of whether or not the electric is going to be brought into the covenant for the project so that there would be a shared responsibility for repair and maintenance of private poles.

Rick Ellis says this is clearly a touchy situation and that he would sincerely appreciate it if the brothers could get together a little bit and not attempt to put the Planning Board into the middle of their dispute, and wonders if they can sit down and work things out to avoid having lawyers arguing in public meetings throughout the process. Attorney Deshaies says he will address the matter with Attorney Richard Burke, who represents Mark Francois. Dave Davignon adds that the hope is for Eversource to take over the poles regardless of where they end up being located.

The matter is set for 8:00 on February 18th, 2021.

Issue: Morton Lane, Map 14 Lot 17 & Lot 15H. Perspective owner, Paul Boucher, desires determination from Planning Board on roadway improvements to accommodate the construction of a residential building; represented by Jamie Bissonnette P.E., Zenith Consulting Engineers of Lakeville, MA.

Jamie Bissonnette of Zenith Land Surveyors presents the project, located at

Morton Lane South of Hathaway Road, explaining that presently Morton Lane is approximately a 24-foot paved roadway, then becomes a gravel road which is narrower and has a path that keeps going through, already cut open. The client is looking to acquire two parcels, roughly 4.5 acres total, and establish enough frontage to be able to obtain a building permit to construct a single-family dwelling. His desire is to improve the area to the minimal standards, and fire code requires 20 feet cleared width and a turnaround within no more than 150 feet of a dead end. A turnaround is provided conceptually on Dolores Street. They are looking to see if the Planning Board has any issues with proceeding on a more formal basis, as right now the person looking to buy wants to ensure that this is something they can afford to do before committing. Mr. Bissonnette summarizes that the goal is to make improvements on a private roadway to minimal standards in order to obtain a building permit.

Rick Ellis states that the Police and Fire Chiefs should be consulted regarding where the pavement should be brought up to on these lots, noting that in the past the Board has asked people to bring the pavement up at least to the edge of their property, and that way every person that extends the road further gets the pavement up to their property so that everyone who puts in a new lot will need to build a section of road.

Mr. Bissonnette asks if the Board would be comfortable with continuing the 20-foot road width, and it is determined that he ought to consult with the Fire Chief.

There is discussion about whether the road is private, and Mr. Bissonnette responds that he believes it is, but will have to consult with John Romanelli. Rick Ellis says that this is an important consideration, and that another consideration is that they don't want something constructed that will flood out the existing houses, so the runoff issue must be addressed. Mr. Bissonnette confirms this would be looked at by his office and presented at a later time, and that they will be requesting a meeting in the near future if they wish to proceed.

Issue: A motion is made to accept the minutes for the December 17, 2020 meeting.
So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 2 absent.

Issue: 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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