



TOWN OF ACUSHNET MASSACHUSETTS

OFFICE OF THE PLANNING BOARD

Mailing Address: 122 MAIN ST.

Meeting Address: 130 Main Street, Parting Ways, 2nd floor

ACUSHNET, MA 02743

<http://www.acushnet.ma.us>

Tel. (508) 998-0200 ext. 4260

Acushnet Planning Commission Meeting Minutes for September 16, 2021

Open: 6:35pm

Adjourn: 9:10pm

Present: Marc Cenerizio, Chairman
Bryan Deschamps, Member
Rick Ellis, Member
Doug Pimentel, Town Planner

Absent: Dave Davignon

Issue: A motion is made to open the meeting.
So moved: B. Deschamps
Second: Rick Ellis
Vote was 3 for with 1 absent

Issue: **Sign Site Plan:** Ground mounted solar array at 540R Main Street, TJA Clean Energy, applicant; represented by Atlantic Design Engineers, Sandwich, MA.

Doug Pimentel states that the plans were approved. The Planning Board did not sign off on the final approved plans.

A motion is made to sign the approved documents for the Solar Array 540R Main Street. It has complied with the requirements for solar fields.

So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for with 1 absent

Issue: **Sign Documents:** Gammons and Mattapoisett Road Certificate of Action, Certificate of Approval and approval with conditions required. BWC Mill Pond/Blue Wave Solar.

Doug Pimentel stated that this matter was up for discussion with Town Counsel, item 4 and 7A of the Certificate of Action. After consulting with town counsel Doug Pimentel agreed it was appropriate to proceed with approval of the project.

A motion is made to sign the approved documents for the Solar Array for Gammons and Mattapoisett Road Solar Array. It has complied with the requirements for solar fields

So moved: R. Ellis
Second: B. Deschamps

Mark
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Vote was 3 for with 1 absent

Issue: **Sign Certificate of Action:** Common Drive Plan 172 Peckham Road in Acushnet. Formerly referred to as 148 & 153 Peckham Road. Represented by Zenith Land Surveyors, LLC, New Bedford, MA.

Moved to end of meeting, topic moved to October meeting.

Issue: **Discussion:** Ground mounted solar array at 550 Main Street. Request for Reduction in Cash Surety.

Field Engineering represented by Rich Riccio stated that project was originally approved as a 2-megawatt array but due to issues with the interconnection they received approval for a reduction in the size to a 1-megawatt project. The cash surety for the 2-megawatt project was \$87,000. Field Engineering proposed a reduction in cash surety by 30%. Rick Ellis stated that the reduction in the cash surety should be 25% equaling \$65,250 for the decommissioning cost. Rick stated that cash surety cost is based on current dollars and that future reconditioning would be based on future dollars and undoubtedly cost more. Field Engineering representatives agreed.

A motion is made to approve the reduction in cash surety costs from \$87,000 to \$65,250 and the Board approved the motion.

So moved: Rick Ellis

Second: B. Deschamps

Vote was 3 for with 1 absent

Issue: **Discussion:** Deep Brook Estate Subdivision, Represented by Margaret Ishihara

Margaret Ishihara was present representing Michael & John Koska. Margaret discussed the latest request for underground utilities as proposed by Eversource. Margaret is looking for a letter of approval from the Board to proceed with Eversource to move the project forward. The Board agreed this made the most sense for this project.

A motion is made to sign a letter of approval to allow the project to move forward with underground utilities.

So moved: B. Deschamps

Second: Rick Ellis

Vote was 3 for with 1 absent

Issue: **Discussion:** Ground mounted solar array at 0 and 88 Wing Lane. Discussion on comments from building inspector.

Eric James, Project Manager from CS Energy was present to discuss concerns from the Building Inspector. Eric was looking to further the project through this meeting with the Planning Board. It was evident that issues are still ongoing with the requirements of the Building Department and Conservation Commission. Rick Ellis explained to those present that the Planning Board cannot and will not overrule the Building Department or Conservation Commission. Issues such as land being disturbed by boulders that were removed into the wetlands and the storm basin wasn't constructed to specifications as well as the visual barrier screening of the property. The builder needs to satisfy the building inspector which is the zoning enforcement official.

No motions were made at this time.



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Issue:

0 and 165 Nyes Lane: Public Hearing for Solar Array installation, assessors map 18, Lots 57 and 57A Acushnet Massachusetts. Proponent R&R Renewables LLC, Represented by: Henderson Consulting Services. Send letters to abutters and public posting. The plans and accompanying documentation are available for inspection at the Town Clerk's Office, Parting Ways Building, 130 Main St. 1st Floor

Robert Naser from R&R Renewables LLC is present for the meeting and is prepared to present for the public hearing for a solar array at 0 and 165 Nye's Lane. Robert displayed the site plans and reviewed lot sizes for the project and abutting lands. In particular he reviewed the lot sizes and topography of the land from Nye's Lane to the array panel project. He discussed the current hedgerow, tree lines, stone walls and detention pond. There will be a chain link fence around the property. Robert also discussed the electric utility upgrade to transformers on the existing poles. The Planning Board had concerns regarding drainage runoff. Scott Henderson reviewed the drainage and stormwater plans. There will be a 14-foot-wide gravel access road, drainage would occur along the access road into the detention basin at the southeast corner of the project then enter the wetlands and then down to Middle Road then south along Middle Road to the town drains.

The public hearing continued with the property owners and a few neighbors in attendance:

Michael Cioper-Property Owner

Mrs. Mills-Property Owner

Scott Furtado-Neighbor

Joanne Cioper-Neighbor

Marguerita Furtado-Neighbor

Joanne expressed her concern with potential noise from the project. Robert explained that everything would be basically silent, inverter fans and transformers. Joanne was concerned with traffic on the property. Robert explained that the project would be monitored remotely and there should only be an annual checkup of the system. Also, there would be minimal landscaping requirements that would be done by a contractor as needed. Joanne was concerned about any effects on her electricity service. Robert noted there would be zero effect on anyone's electricity service in the area. Scott Furtado expressed his concern with maintaining hedgerow for visual impact to Nye's Lane. Rick Ellis indicated that the Board would visit the site for review and that approval may depend on additional hedgerows. Marguerita Furtado expressed concerns about how large the transformer will be and will it be noisy. Robert explained that a new pole will be added to the service line to add the transformer. A standard operating transformer will not cause noise. She also expressed concerns with screening of the property. Rick Ellis noted that additional screening would likely be needed. Michael basically reviewed the items which the other attendees showed concerns.

A motion is made to continue the public hearing to Saturday, September 18 at 9:00 AM to visit the 0 and 165 Nye's Lane project site.

So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 1 absent

Issue: **301 Perry Hill Road:** Public Hearing for Form C subdivision for a 4-lot development at 301 Perry Hill Road for Mark Francois, applicant, Schneider, Davignon, and Leone, Inc., Mattapoisett, MA 02739. This plan is located on an established ancient way which predates subdivision control regulations. The plans and accompanying documentation are available for inspection at the Town Clerk's Office, Parting Ways Building, 130 Main St. 1st Floor.

Matt Leone from Schneider, Davignon and Leone Inc. presented the project plans. The project consists of 19.35 acres on a 4-lot development with 3 new homes. Matt reviewed all of the roadway and storm water systems and run-offs. There are some waivers being requested before finalizing the plans. Matt reviewed each waiver in detail, Article 2 section 203j and Article 3, sections 302g, 302h, 305a, 305b, 307, 403, 405, 406, 406b, 406c and 406d. The northerly abutter, Maria Amaral, has concerns about the access easement. Robert Burke representing the applicant noted that she would have the ability to continue using the ancient way or use the new road as well. Rick Ellis noted she could use the ancient way forever.

A motion is made to continue the public hearing until the next Board meeting in October to give time to review all of the project waiver request.

So moved: R. Ellis
Second: B. Deschamps
Vote was 3 for, 1 absent

Issue: **Planner Update:**
Zoning By-Law – Special Residential Development:

Doug Pimentel states that there is a Winter Town Meeting approaching in January looking to pass a Zoning By-law referred to as a Special Residential Development. Part of the by-law will be identifying areas within Town to create overlay districts which would allow town house style apartments. One of the recommendations Doug Pimentel made was moving away from strictly age qualified and leaving that up to developers if they choose to pursue a certain percentage of units meeting age qualified restrictions. Currently, throughout Town and the residential A district there is no language within the by-laws that would prohibit age qualified housing.

Once there is a set draft of the by-law the language would be presented to the Board. Rick Ellis suggests reviewing the Dartmouth by-laws and referencing what they have on hand.

Additionally, Doug Pimentel states he has been looking at Plymouths by-laws and what they have done in the Pine Hills area creating additional housing within their community. Rick Ellis encourages Doug Pimentel to reach out to various Town Planners and see how similar by-laws have worked in their communities and what they would change.

Rick Ellis would like to see on thing addressed in January. The procedure between the Planning Board and Zoning Board in regards to Commercial Development in Acushnet. Basically, the Planning Board will vote on the Special Permit for the project with the advice from the Planning Board and site plan approval process. This forces the developer to deal with the Planning Board first then we hand our findings to the Zoning Board of Appeals then they will vote on it. That way the Zoning Board can vote on everything once everything is finalized through the Planning Board. Rick Ellis encourages Doug Pimentel to view the Canton by-laws addresses because it addresses this concern in a well thought out manner.



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Lake Street

Preliminary improvement plans were displayed to Board members so they are aware of activities occurring around Town. Bryan Deschamps gives the previous layout of Lake Street and what it used to be previously. New Bedford currently retains ownership of the Lake Street area and plans were created to present to New Bedford. All of the Board members provided feedback and past experiences from time spent at Lake Street.

Budget adjustment for Clerk position:

The Budget was approved for the clerk and was approved for 19.5 hours. There are final details being worked out for the pay scale and if it is a union position.

Adoption of Solar By-Law/Amendment to By-Law:

Doug Pimentel states the Town should look into amending the zoning by-laws for solar arrays. The amendment would consider requiring a connection agreement be made between Eversource and project proponent prior to presenting the solar array for site plan approval. Rick Ellis asks if anyone else is doing it? He hasn't had much success working with Eversource on smaller projects let alone developers contacting them for solar arrays. It could take 2-3 years in some cases to reach a connection agreement on some of these projects and the solar permit issued by the Board is only good for 2 years. Rick Ellis is hesitant to make it that difficult to get through the site plan approval process. Rick doesn't want to be in the position where we have to go to court for solar array and doesn't want to be the precedent setter for the state of Massachusetts.

Peer Review Services

Doug Pimentel states that Pat Hannon has put together and RFQ for additional peer review services for the Town of Acushnet. This comes as a response to support the current company the Town utilizes and to streamline the planning and stormwater process.

Mail

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