



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

Handwritten signatures and initials: "New" and "Dts" with a large "S" or "L" signature.

Acushnet Planning Commission Meeting Minutes for December 16, 2021

Open: 6:40pm
Adjourn: 7:45pm

Present: Marc Cenerizio, Chairman
Bryan Deschamps, Member
Rick Ellis, Member
Dave Davignon, Member
Doug Pimental, Town Planner

Vertical stamp: "RECEIVED" and "DEC 16 2021".

Issue: A motion is made to open the meeting.
So moved: B. Deschamps
Second: R. Ellis
Vote was 4-0

Issue: **Discussion:** ANR Plan of Land situated on Perry Hill Road Map #9 Portion #18A Acushnet, MA. Prepared for Frank A. Knox & Karen L. Knox. 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 of Schneider, Davignon & Leone Inc. was present to speak for the project. He is representing Karen & Frank Knox with a division plan on the south side of Perry Hill Road just east of Mendall Road. It is a portion of property they purchased from Russ Dubois. The perimeter was approved at the October, 2021 Board meeting and the intent of the plan is to divide the lot into one conventional lot and two retreat lots that will be served by a common driveway. An overview plan was presented to give the Board an idea how the max build out of the plan would look. A conceptual view was shown. The plan showed rather large buildings roughly 66 x 88 and what it would look like as it would fit into the neighborhood. There is a current home under construction and another house that's currently being permitted that will be accessed by Mendall Road as a separate project. The complete perimeter is about 15.5 acres with 5.25 acres of continuous upland in the buildable area. Next, Matt switched over to the division plan. The first lot shown, 8A, is 6.4 acres which has a 153 feet frontage on Perry Hill Road. The contiguous building area is 55,900 square feet.

The requirement for a conventional lot in the residential district is 40,000 square feet of continuous upland. Both retreat lots, 8B & 8C, have over 80 feet of frontage and the requirement is 40 feet for a retreat lot and they will both maintain over the minimum 35 feet of width throughout the access strip area. Lot 8B has contiguous upland area of just under 106,000 square feet and retreat lot 8C has 88,000 square feet of contiguous upland area. Both lots will well exceed the minimum 120,000 square feet total lot requirement with 8B being 4.9 acres and 8C being 4.15 acres. Matt states that the lots will be accessed by a common driveway of roughly 1,300 feet long. The common driveway easement starts off at 30 feet wide and afterwards will go through the wetlands crossing then shrink down to 20 feet then back to 30 feet wide for the turnaround to provide vehicular access.

The wetland crossing will require permitting through the Conservation Commission. When the common driveway design is finished they will return to the Planning Board with the knowledge that a special permit will be needed for the use of the common driveway for lots 8A, 8B & 8C.

Rick Ellis states that the plan seems to meet the dimensional requirements, however, it may not be easy to get the wetlands permits and the common driveways special permits that typically requires notice to the abutters. Rick stated that in general there is considerable input from the abutters on common driveways. Rick stated that there is currently an appeal on a project that had previously been approved. Rick noted to Matt that his clients should be aware of all permitting issues. Matt noted that his clients are aware of the potential lengthy process for permitting. Rick stated that the Board would need to take an extensive look at there being access on the street for each of these lots. Rick explained that it is a condition of a Form A permit and implicit in that approval is access to the road. Rick stated that a Court ruled that wetlands in the way did essentially prohibit practical access to a lot and upheld the denial of a permit.

Rick Ellis makes a motion to approve the Form A plan as submitted and with the proponent being forewarned that it may be more difficult in the future to get a development like this approved and they may have some difficulties with the special permit.

A motion is made to approve the Form A plan as submitted.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3-0 (David Davignon recused himself and left the meeting room for the entire discussion).

Issue:

Appeal/Discussion 301 Perry Hill Road: 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.

In the November, 2021 meeting the Board had signed the site plan and Mylar. This discussion has now resumed due to an appeal.

Doug Pimentel noted that an appeal was placed on file with the Court on the easement and Homeowner's Trust Agreement. Doug notified Town Counsel of the appeal. Rick Ellis noted



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that once the appeal is with the Court the Board would not have input. The Board cannot bypass the Court proceeding. Rick Ellis made a motion to pause on the issue until the Board has heard back from Town Counsel.

A motion is made to pause on this issue until advice of Town Counsel.

So Moved: R. Ellis

Second: B. Deschamps

Vote was 3-0 (David Davignon recused himself and left the meeting for the entire discussion).

Issue:

0 and 165 Nyes Lane Public Hearing Continuation: 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 Nasser from R&R Renewables was present along with Mr. Cioper and the other owner and neighbors. Robert presented that their Engineering has been resolving the design issues with S.W. Cole, There are still some technical details to work on, however, the Plan is not going to change. Robert states that he has submitted the decommissioning proposal to the Board and that is currently being reviewed by S.W. Cole. Robert distributed copies to the Board. A stormwater operation and management plan with a maintenance cost schedule has been submitted to the Conservation Commission and S.W. Cole. Robert proceeded to discuss the evergreen screening which was reviewed at the November, 2021 Board meeting. Following that meeting R&R had their landscape architect design with a visually appealing plan to essentially screen the west and south sides of the project. Robert stated that the proposed plan would meet the Board's requirements related to deer resistance and height. They are proposing 54 trees comprised of different species (Holly, White Spruce, White Pine and Arborvitae) which would be arranged in a semi-random pattern to give some visual appeal. They wish to take the existing trees down on the south side of the property.

Rick Ellis asked for the on-center spacing of the tree/evergreen being proposed. Robert believes they are six feet on-center from each other and the various species would be five to seven feet in height. Rick Ellis noted that any plan submitted must meet all requirements promised. Rick stated that five to seven feet specimens six feet apart is more than adequate for the plan.

Joanne Cioper discussed that she was under the impression that a berm would be included in the screening. Robert noted that during the prior meeting it was his understanding that the screening had to be at least six feet and it was up to R&R to determine if it was done with or without a berm. Rick Ellis noted that doing it without a berm was fine with the Board, however, be sure that the spacing requirements are met. Robert asked if there is a Planning Board standard for tree spacing and Rick responded that there is not. Rick noted many factors such as size of project, location and surrounding topography and much more has to be considered.

Dave Davignon noted that a five year survival rate bond would be needed to hedge against rooting-in issues or tree infections etc.

A motion is made to continue the public hearing until the next meeting.

So moved: R. Ellis

Second: B. Deschamps

Vote was 4-0

Issue: **Discussion:** Cease and Desist issued for ground mounted solar array at 88 Wing Lane.

Doug Pimentel noted that the project engineer and the project parent company (CVE) would not be able to attend this evening's meeting. Doug visited the site to view what was completed in terms of fencing and where everything is up to at this point and whether it satisfies to a certain point the need for the visual barrier at the site but is not as good as it could be. The trees are not the size they should be.

Rick Ellis stated that is a continuing issue. He noted CVE promised the Board and neighbors plantings and they should be there. Rick further states that the visual barrier needs to meet what the Plan says and what was promised or they need to come back and request relief from it.

Dave Davignon stated that CVE has serious issues with the stormwater requirements which may end up bringing them back in for site plan modifications.

Rick Ellis stated that the Cease & Desist order needs to remain in place until CVE corrects the existing problems.



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Planner Update:

The Mullins Rule

Doug Pimentel discussed the addition of this by law to be voted on at Spring Town Meeting. This will change the way Town Board members are able to vote on topics missed at meetings. If a Board member misses a meeting, then they will be able to record their vote by submitting a form to the Town Clerks office under the threat of perjury. The Board member can only vote if they have had the opportunity to listen/watch the recording of the agenda item discussed and review all submitted material.

Mechanism for Release of Decommissioning Funds

Doug Pimentel stated the Board will need to vote for decommissioning funds to be removed. At that point a letter is issued to the Town Treasurers office notifying the, the funds can be released to the appropriate person. Rick Ellis requests for the Planner to look into specific forms to use for securing and releasing decommissioning funds. Dave Davignon suggests looking in to what Rochester has done for paper work on their solar projects.

Solar By-Law Update

A by-law is being put together to address the influx of solar fields in the town. Other communities are not requiring connection agreements be made prior to plans being submitted to the Planning Board. Board members requested copies of surrounding communities' by-laws.

Special Residential Development Update

Meeting with John Markey next week to continue working language out. The target of the by-law is to require multi-unit development which would require a minimum of 50% of units to be age qualified.

Mail

Meeting Minutes:

September 16, 2021

October 28, 2021

[end]