



TOWN OF ACUSHNET

MASSACHUSETTS

OFFICE OF THE PLANNING BOARD

Mailing Address: 122 MAIN ST.

Office 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 March 24, 2022

2022 MAY -5 A 3:53
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Open: 6:30pm

Adjourn: 7:12pm

Present: Marc Cenerizio, Chairman
Bryan Deschamps, Member
Dave Davignon, Member (via Zoom)
Mark Francois, Member
Doug Pimentel, Town Planner

Absent: Rick Ellis, Member

Issue: A motion is made to open the meeting.
So moved: B. Deschamps
Second: M. Francois
Vote was 4-0 with 1 abstention

Issue: **Discussion:** 0 Wing Lane (Torpedo Facility), Acceptance of Cash Surety for Screening & Plantings.

Wyster Desir and Eric James are present representing CVE N.A. Wyster states their desire to get acceptance of the original site plan for the visual barrier for the solar site at 0 Wing Lane. He states they have already submitted the changes to the Planning Board along with the cash surety agreement to take care of the temporary solution that CVE put in place until they can have permanent visual barrier for the site. Marc C. states that he and Doug P. visited the site and were satisfied with the screen barrier. The Planning Board is satisfied with the site for the temporary solution and do not see a need to review this project going forward.

A motion is made to sign the Cash Surety for 0 Wing Lane.
So moved: M. Francois
Second: B. Deschamps
Vote was 4-0 with 1 abstention

Discussion: 39 Nye's Lane, Justin Pontes, Paper Street Development, Conceptual Road Design.

Doug P. explained to the Planning Board that Justin Pontes was looking to put a farm on the property with nothing more than 3-4 animals. He currently has a pony on the property. Justin

was looking to put a Paper Street so he could avoid access on having to drive over his septic system. After discussion with Doug, he now doesn't wish to move forward with the Paper Street understanding he would have to supply engineered plans. Doug states that Justin has clear-cut the site and there is nothing the Planning Board can do in terms of enforcement. Doug states that he does need to get a stormwater permit from Conservation Commission now. An abutting neighbor was present and asked to hear what his plan was for the Paper Road. Doug explained that Lambert Street connects between two houses to where his property is and there's Parker Street which connects to various properties, however, the amount of money that would go into engineering would cost roughly \$30K. and that's not including building the road itself. Doug believes that is something Justin is not going to invest in and he will just continue access to his property up Nye's Lane. The abutter is happy to hear that and Doug states that Justin is willing to work with his neighbors. The abutter asks if there will be cows and Doug states he is not fully aware of Justin's intentions on farm animals but explains those issues would need to go through Animal Control and the Board of Health which regulations exist for both depending on lot size. Doug explains that Justin will be meeting with the Conservation Commission at their next meeting in April to discuss stormwater permitting. Marc C. explains that if the Conservation Commission has a public meeting the abutters will get a notice.

Issue: **Sign Documents:** 0 and 165 Nyes Lane: Solar Array installation, assessors map18, Lots 57 and 57A Acushnet Massachusetts. Proponent R&R Renewables LLC. Sign final set of plans (Special Permit) along with the Performance Secured by Deposit of Money.

Roy Morrison from R&R Renewables was present and noted that it is his understanding that things have progressed to the point where it is time to sign final set of plans (special permit) along with the Cash Surety. Doug noted that we were awaiting on the acceptable form of decommissioning and agreeing upon the visual barrier at the last meeting and now the Planning Board can sign the special permit site plans and the surety agreement. Dave D, notes that he and Mark F. cannot sign the documents because they were not involved with this project through the whole process. Marc C. and Bryan D. signed the documents at this meeting. Note: Rick Ellis signed the documents on Friday, March 25 at the Planning Board office.

Issue: **Sign Document:** Solar array at 1050 Main St., Acushnet Solar LLC, applicant. Sign Performance Secured by Deposit of Money.
Motion to accept was made at last month's meeting and documents were signed.

Issue: **Sign Document:** Solar array at 1052 Main St., Woodridge Renewables, LLC, applicant. Sign Performance Secured by Deposit of Money.
Motion to accept was made at last month's meeting and documents were signed.

Issue: **Sign Document:** Solar array at 0 Cushing Lane, Acushnet Assessors Map 7, Lot 26. White's Farm, Inc., applicant. Sign Performance Secured by Deposit of Money.
Motion to accept was made at last month's meeting and documents were signed.

Issue: **Sign Document:** Solar array at 0 Robinson Road, Map 7, Lot 7, Robinson Road Solar LLC, applicant. Sign Performance Secured by Deposit of Money.
Motion to accept was made at last month's meeting and documents were signed.



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Issue:

Discussion (continued): ANR/Form A Plan Access Requirements

Marc C. asks if anyone if they have any further discussion points. Doug P. noted that there was a brief discussion on the plan access requirements at the last meeting and understands the Planning Board wants to take a closer look. Doug believes it makes sense to come up with some sort of checklist or a list of criteria for the Planning Board to follow in order to make the process a bit more blacker and whiter when it comes to ANR plans, particularly to access requirements. Mark F. states he is all for a checklist. Marc C. notes that we have a Form A checklist. Doug explains the Planning Board would be better able to distinguish if the plan meets access requirements and there's no question, we have no other option but to sign a plan. Mark F. asks if the Planning Board would need to change any bylaws. Doug states he believes there may be a change but has not yet researched those aspects and will need the advice of Town Counsel. Mark F. states he is in favor of a checklist of sorts, so as if somebody comes before the Planning Board that wants an ANR or a subdivision there should be some kind of checklist showing that all Town Boards have participated in the review. Dave D. states that the Planning Board needs to keep in mind that there is a note on every ANR plan that says an endorsement signed by the Planning Board is not a determination relative to the zoning bylaws. Dave states that when the Planning Board signs an ANR Plan the obligation of the Planning Board under MA state law is that if it has the frontage requirements you have to sign the plan. Dave states that the Planning Board can't really critique anything beyond that as far as access through a wetland into an upland unless there was a bylaw created that said frontage cannot be wetlands. Dave states that the MA wetland protection act allows you to cross wetland into the upland. Dave states that people have a right to get to their upland. Dave states that the ANR plan relieves us of our duties as far as zoning is concerned and it really falls back to when people hire a professional land surveyor to prepare a plan the liability falls on them to make sure that lots comply with zoning. Dave doesn't think it's a bad idea to distribute the plans to other Town departments for their inputs, however, when the plan comes before the Planning Board, we have 20-21 days to act on an ANR plan and if you don't act on it the proponent can go directly to the Town Clerk for signature. Dave states he understands the views of Rick Ellis on this subject. Dave references a project with a retreat lot subdivision and they crossed the wetland to get to the upland to three lots and that's all legitimately OK in our Town with a Common Driveway to access the lots. Dave states that was a challenge when the Building Inspector told the applicant they did not have legal frontage because it's wetland. The applicant's attorney went to Town Counsel and it was found that there's nothing in our bylaws that says wetland is not legitimate frontage. Dave states he is aware there are a lot of court cases about illusory frontage such as a pond in the way to get to an upland. Dave states that when an ANR plan is presented the Planning Board is not making a zoning determination. Dave D, and Mark F. agreed better guidelines for applicants would help the process. Doug will distribute additional documents from the State for review by the Planning Board members and further discussion will continue at the next meeting.

Planner Update:

Bradford Street Rezoning

The rezoning of lots 534, 534A, 482, and 483 from the Residential A zoning district to the Residential Village zoning district will create conforming lots within the Residential Village district that were otherwise previously not conforming. Transitioning these 4 parcels to the Residential Village district would allow for the creation of additional housing units in the Town of Acushnet. The Board of Selectmen are reviewing this article for potential inclusion at the spring Town Meeting. Dave D. states that he is in favor of the Bradford Street rezoning and asks Doug if he has looked at any other area like that which are just off the fringes of the Residential Village district. Doug states that he has and did speak with the Board of Selectmen about it and they have agreed to start with these two lots for now. Doug explains there needs to be a deep study done for any water pressure issues as well as sewage. Doug explained that with the Commuter Rail coming to New Bedford that will make us an MBTA community and there will be some stricter zoning requirements coming down from the State, including an increased housing density requirement for the Town and we have to start becoming prepared to identify spots in Town that we can put those zoning changes in.

Moratorium Large-Scale Ground-Mounted Solar Photovoltaic Installations

The Town of Acushnet currently has 19 approved large-scale ground-mounted solar photovoltaic installations completed or under construction. These projects have involved significant clear cutting of trees and ground vegetation and have been located in close proximity to abutting residential neighborhoods. An installation in an abutting town has made clear the threat of further solar development in Acushnet to scenic vistas and recreational areas. There is a proposal being reviewed by the Board of Selectmen to ascertain if the Town will vote to amend the Zoning Bylaws to add a new Section for a Temporary Moratorium (either a 90 day or 180-day) to prepare language for a solar by-law. This proposed by-law will make things clearer for developers and give the Planning Board clearer guidelines. Doug explained that when the Board of Selectmen approve these articles for Town Meeting he will be organizing and posting the Public Hearings required which should be coming up relatively soon. Doug will be meeting with the bylaw review committee at some point in April.

Mail

Meeting Minutes:

February 17, 2022

A motion is made to accept the meeting minutes for February 17, 2022

So moved: D. Davignon

Second: B. Deschamps

Vote was 4-0 with 1 abstention

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A motion is made to adjourn the meeting.

So moved: D. Davignon

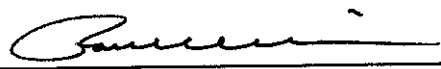
Second: B. Deschamps

Vote was 4-0 with 1 abstention

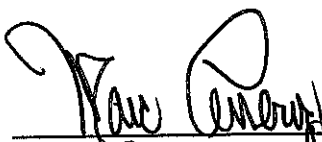
Respectfully submitted,

Paul Sullivan

Administrative Assistant

 5.6.22

Paul Sullivan



Marc Cenerizio, Chairman

[end]