

TOWN OF ACUSHNET
MASSACHUSETTS



OFFICE OF THE PLANNING BOARD
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**Acushnet Planning Commission Meeting & Public
Hearing Minutes for December 22, 2022**

Open: 6:30pm
Adjourn: 7:31pm

Present: Mark Francois, Chairman
Rick Ellis, Vice Chairman
Bryan Deschamps, Member
Dave Davignon, Member
Steve Boucher, Member

Issue: The Chairman welcomes those in attendance and makes the media notification

Issue: A motion is made to open the Planning Board meeting.
So moved: R. Ellis
Second: B. Deschamps
Vote was 5-0

Issue: The Chairman asks the Board Members to introduce themselves

Issue: The Chairman states that the Board is here tonight to review a Solar Project located at 550 Main Street. The proponent of that project is Navisun LLC. The Chairman states the discussion will be about possible violations of the Special Permit and Stormwater/Erosion in particular. The Chairman states that the Planning Board will have a discussion amongst themselves about issues that have arisen. Pat Hannon, Conservation Agent/BOH Assistant Agent is present via Zoom to provide facts regarding the situation. The Chairman states that at the end of the discussions he will allow the Proponent or anyone else present to make a statement. The Chairman notes this is not a Public Hearing.

Pat Hannon states that an abutters property at 582 Main Street was compromised due to stormwater runoff from the 550 Main Street solar project tree clearing event. The abutter well was contaminated and the inhabitants are without potable water. Pat states that the proponent has not taken responsibility for the stormwater runoff. Pat states that the project never went through the Conservation Commission for approval. Pat states that the former Conservation Commission agent signed off on the project without proper review. Pat states the project was not constructed to the approved plans. Pat noted that the Town DPW dedicated it's time to provide town water hookup to the 582 Main Street property line. The proponent of the project provided the water hookup to the home at 582 Main Street.

Dave D. stated that he visited the site recently along with the BOH Agent and the Stormwater Agent. Dave D. states that the pond on site is clearly contaminated with silt runoff. Dave D. notes that the stormwater runoff can be visibly seen coming out of an eight-inch pipe onto neighboring property and the downstream ponds are contaminated as well. Dave D. states that after that visit he reviewed the Planning Board file in detail. He noted that it looks like the proponent is in violation of at least three, if not five of the special conditions of the Special Permit. Specifically, they should not have cleared the property at this time of year due to not being able to vegetate. The Special Permit states no hydroseeding between November 1 and April 30. Dave notes that they asked for a MW reduction from 2 to 1 based on a letter from their Engineer stating that Eversource could only accept a 1MW facility and the Building Commissioner at the time stated in an e-mail that he would expect the footprint of the project be cut in half. This was also evidenced by the proponent's request to reduce the decommissioning cost from \$87K to \$62.3K. Dave notes it is still not clear if the project is being built as a 1 or 2 MW facility. Dave states there is no consistency within the Planning Board file & the permitting. Dave notes the Town is now working together and there are Cease and Desist notices from the BOH and the Conservation Commission. Steve B. states he was at the facility recently and noted the proponent is doing corrective action to contain the soil erosion. Rick E. states it is up to the proponent to figure out what to do to keep silt from running off the site onto other people's property. Mark F. summarized all of the issues and inconsistencies in the Planning Board files as well as what was approved on the Special Permit and Site Plans.

The Chairman invites the proponent to come forward and make a statement. Steve Campbell, Chief Operations Officer with Navisun LLC introduced himself. Steve C. concurs it is Navisun's responsibility to rectify the problems at the site. Steve C. states that Navisun has been responsive since December 9, 2022. Steve C. states that Navisun is willing to work with all Town boards to rectify the situation.

Issue: A motion is made to send a memorandum to the Building Inspector/Enforcement Officer to make a determination if the proponent is in violation of the Special Permit Conditions 16, 17, 18 & 21. If the Building Commissioner/Enforcement Officer makes a determination that those conditions were violated the Planning Commission asks that a Cease & Desist Order be issued to stop any further construction on the project. Also, the Planning Commission asks that the Building Commissioner/Enforcement Officer make a determination if the Proponent needs to come back to the Planning Commission for possible revisions or amendments to the Special Permit.

So moved: D. Davignon

Second: R. Ellis

Vote was 5-0

Issue: A motion is made to adjourn the meeting.

So moved: R. Ellis

Second: D. Davignon

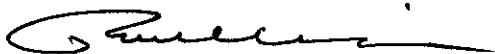
Vote was 5-0

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Respectively submitted,

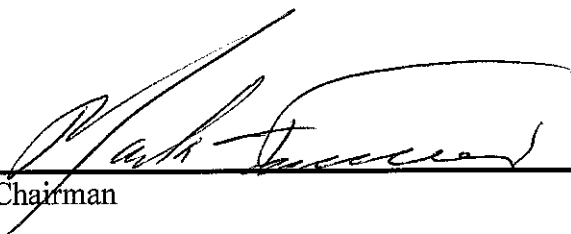
Paul Sullivan
Administrative Assistant



Paul Sullivan

2-13-23

Date



Mark Francois, Chairman

2/9/2023

Date

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