



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 January 20, 2022

**Note: Hybrid Meeting with the Board of Selectmen
At the Board of Selectmen's Meeting Room**

RECEIVED
2022 FEB 22 P 4 32

6:30pm

Open Hybrid Meeting with the Board of Selectmen

A motion is made from the Board of Selectmen to open the joint meeting with the Planning Board.

So moved: D. Desroches

Second: D. Wojnar

Vote was 2 for 1 absent

Issue:

Appointments: Joint Meeting Between the Board of Selectmen, & Planning Board- Appointment of Commissioner Mello's Open Term, Appointment will expire on May 13, 2022 at Such Time, The Term will Expire and will be on the Annual Town Election Ballot. review of matters presented; votes may be taken.

Doug Pimentel noted that a joint meeting with the Board of Selectmen was being conducted. Doug stated that two letters of interest were received for the opening on the Planning Board. Doug stated that one of the candidates (Russ Dubois) isn't currently a resident of Acushnet and according to the Town Charter in order to be on the Planning Board you must be a resident of Acushnet. Doug noted that Marc Francois submitted a letter of interest and Doug believes he would be an excellent candidate for the open spot on the Planning Board. Marc Cenerizio turned things over to the Board of Selectmen Chairman, Dave Desroches, who was participating thru a Zoom meeting. Dave stated that the Board of Selectmen was here tonight to put their nominations forward for the open position.

Marc Cenerizio asked the Planning Board inquiring of any questions or concerns. Rick Ellis spoke of his concern of the applicant, Marc Francois, who currently has a subdivision application in front of the Planning Board. Marc C. noted that was correct. Rick E. is concerned that the situation may be cumbersome for him to have somebody sitting on the Planning Board and now would have to make decisions that could cost the Proponent serious dollars at times. Rick E. feels it puts him in an unusual position which he is not comfortable with and wants to know what Marc Francois's view of the situation is. Marc C. asks Marc F. to come forward and present his view of the situation. Marc F. stated that anything that would

come up regarding his project he understands that he would have to recuse himself. Aside from that Marc F. believes he is like any other citizen that serves on any other Town boards. Marc F. states that since his project started, he has learned a lot about the process by sitting in all the meetings not only with his project but listening to the other projects as well. Marc F. feels at this time that this is a good opportunity for him to help serve the community. Rick E. interjects and asks Marc F. if he would be upset with him if something comes up and Rick E. would need to say something that would cost him money. Rick E. noted that a member position is difficult as in terms of making enemies. Rick E. stated that typically if a neighbor that is around a project, they want the Planning Board to say no to a project while a project proponent wants the Planning Board to say yes to a project. Rick E. stated that he does not have a problem with Marc F. being a member and would hope that whatever comes up would not create another enemy. Marc F. stated that he understood the situation and the way he see's things is that the Town has a book of rules or by-laws. Marc F. would like all Town boards to adhere to the rules, however, he understands there are "grey areas" that decisions are sometimes made. Rick E. stated that in some instances those are the ones that can create problems.

Dave Desroches asked Marc F. if he has pulled nomination papers for the upcoming Town election. Marc F. states that he has pulled papers and intends to complete them and return to the Town Clerk. Marc F. states it is his intention to run for the open seat on the Planning Board.

A motion is made by the Board of Selectmen to nominate Marc Francois for the open seat on the Planning Board.

So moved: David Wojnar

Second: Dave Desroches

Vote was 2 for 1 absent

A motion is made by the Planning Board to nominate Marc Francois for the open seat on the Planning Board.

So moved: R. Ellis

Second: B. Deschamps

Vote was 3 for (Dave Davignon abstained from voting).

Dave Desroches calls for a combined roll call vote to nominate Marc Francois for the open seat on the Planning Board.

Vote was 5 for, and 0 against (Dave Davignon abstained from voting)



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

Planning Board meeting opens:

Open: 6:42pm

Adjourn: 8:20pm

Present: Marc Cenerzio, Chairman
Bryan Deschamps, Member
Rick Ellis, Member
Dave Davignon, Member
Doug Pimentel, Town Planner

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

New Business: Building Commissioner's letter regarding Storm Water Management and the transfer of authority to the Conservation Commission. The Building Commissioners letter suggest that the Planning Board seek to modify the language of the by-law to make it less confusing for applicants and the general public.

A motion is made to have the Town Planner draft an article for the upcoming Town Meeting which will permanently relinquish Storm Water Management authority from the Planning Board to the Conservation Commission.

So moved: D. Davignon
Second: B. Deschamps
Vote was 4-0

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

Roy Morrison, Managing Partner of R&R Renewables was present along with two neighbors (Joanne Cioper & Michael Cioper). Roy is taking over for Robert Nasser who presented at the previous public hearings. Roy believes there are two issues remaining for the Planning Board, one being the vegetative screening and the decommissioning. Roy noted receiving a letter from SW Cole that found the decommissioning plan was good. SW Cole added a 2.5% escalator which Roy believes is excessive, however, the Proponent accepts the escalator. Roy stated that at the last meeting the vegetative screening spacing was too large between the plantings. R&R worked with a landscape architect to review the project. The architect believes that an eight-foot spacing of trees as opposed to a ten-foot spacing was appropriate and that would maximize the health growth of the vegetative screen. Roy discussed the Board's previous negative reaction to planting white pine trees. Roy offered to substitute another type of plant. Also, he discussed the Board's desire for a two-to-three-foot berm and Roy states they are happy to include the berm. Another alternative suggested by an owner, Ted Cioper, was to use a slat system on the fencing and plant that with Ivy.

Doug Pimentel expressed his concerns and was hesitant about that because the southerly abutting property owner and their view from her porch into the back yard and she had voiced her complaints and R&R needs to keep that in mind. Doug stated that he liked the idea of the two to three-foot berm and if the spacing and species are done correctly it would look acceptable.

Rick Ellis states that because it's going to take a while for the vegetative screening to mature that perhaps at least in the order of a four-foot-high berm with the plantings done on top of the berm is something he would be looking at a little more favorably. Rick states if that is done then there really won't be an issue with nylon slats on the fence which only have a four to five-year lifespan. Rick would be looking for some kind of performance guarantee such that after two to five years or whatever the timing may be, any plants that are dead or dying would be replaced. Rick notes there would need to be an additional monetary consideration.

Roy agrees that it makes sense to review the performance of the system every couple of years and agrees that is one of the principals of effective management of operating systems that everything is maintained and in operational condition including the landscaping.

Rick Ellis states there needs to be some mechanism for the Board to make sure that the Board has leverage to get replanting done.

Marc C. interjects to the Proponent that they agreed upon a four-foot berm and Roy agreed. Roy agrees to remove the white pine species from the Plan and he has an agreement with the owner to maintain the vegetation with watering and tree trimming to help assure full screening.

Dave Davignon noted that the Plan shows a staggered layout for the trees but the berm needs to be appropriately sized as well. Marc C. confirms that the white pine will be eliminated and re-shuffle everything to fill the other spaces. The Board agreed to the same number of trees with just three species.

Joanne Cioper thought there was a discussion at the last meeting about having the trees six feet apart. Dave D. noted that these species too close would inhibit the growth because these are the types of trees that will grow wide and full. Dave D. asked the Proponent if they are providing a



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

five-year bond. Roy agreed to provide a bond surety for the tree plantings. Roy agreed to provide a \$20,000 bond for a five-year period of time.

Michael Cioper asks that while one owner has an agreement for doing the landscaping and he believed there are two separate projects. Roy states that he will do both projects. Michael asks for that to be put in writing. Doug P. notes that will be part of the O&M Plan. Michael asks if the owner is not able to do the landscaping what would happen. Roy states R&R would hire someone.

Doug P. begins discussion for the decommissioning plan. Roy believes that SW Cole has imposed an enormous safety margin for the Town for their proposed cost of \$98,000. Roy is asking that the Town accept a letter of credit or bond as opposed to a cash deposit. Marc C. instructs Doug P. to work with Town Finance about those options. The landscaping plan will be updated by R&R.

Doug P. will draft the surety agreements, one for decommissioning and one for landscaping and will review the documents with Town Counsel. The Public Hearing will continue at the next Board meeting, currently scheduled for February 17, 2022.

Discussion: 88 Wing Lane Solar Array Site Plan Deviation Request

CVE NA is here to present their Plan deviation request. Representing are Wyster Desir, Construction Project Manager, and Eric James from CS Energy. George Sarett, Solutions Engineer, is in the audience as well. Wyster states that CVE has installed as requested further visual barrier on the tops of the installed fence which should essentially provide the temporary visual barrier for at least the next five years. In addition, they have proposed issuing an Agreement with the Town for the amount of \$61,000 that would basically cover the cost of replacing the berm, tress and fencing. They added 10% for inflation. Wyster would like to see if the Board is satisfied with what CVE put in place and are requesting permission to continue on with the project now that they have a solution in place.

Doug P. noted that the projects stormwater issue is with the Conservation Commission and would be a separate issue from the Planning Board. Doug states that the Board's Cease & Desist order will be left up to the visual barrier and any surety agreements in place. Doug states that they have satisfied their decommissioning costs for the site and CVE is proposing a \$64,000 bond for the plantings. Wyster states that they would be posting cash for the plantings and fencing which would cover a five-year period.

Rick Ellis states that as long as the Agreement is sufficient so as the Town can leverage that money to get things fixed if needed. Rick E. asks Doug P. if the Conservation Commission, Building Inspector and he are satisfied with the size and spacing of the plants that are in place. Doug States that all party's general consensus was that the visual barrier was satisfactory.

Eric James noted that meetings have been held with the Conservation Commission and hope to resolve the stormwater issues within the next few weeks.

Rick E. wants Doug to have someone in Town Hall review the CVE proposed surety agreement to be sure the Town has leverage during the five-year period.

Dave D. asks CVE what type of plants did they plant between the arborvitae. Eric J. stated there are a number of different species including eastern red cedar, American hollies, mountain laurels and green giants. Dave D. notes that the latest photos supplied are consistent with what he saw in the field before they put the screening on the fence up. Dave D. likes what they did with the fencing slats down the driveway for the neighbor as well as the temporary green screening. Dave D. asks if they plan on doing more planting in the Spring. Eric J. replied they do not. Eric J. explains that the new plantings are in a staggered arrangement due to a previous agreement with the Pollinator Program which he states was approved by Building Inspector, Jim Marot. Dave D. is concerned that when the bond is up in five years and only the arborvitae are grown and healthy but all other plantings have died in between then what does the Town have to leverage. Wyster states that the bond guarantees that the trees as their planted right now will provide the complete visual barrier and within the next two years, they will see how these plantings are growing. If some were to die or are not growing as planned, CVE would replace them. Dave D. is concerned about CVE selling off the property. Wyster states that the bond stays with the project. Eric states that that the plantings have not had a growth season at all. Wyster concludes that CVE is guaranteeing to the Board with the cash surety bond that the Town will have the visual barrier.

Rick E. wants to hand things over to the Town administrative sides to review the proposed surety document. Rick states that there was an approved Plan but now we don't have an approved Plan anymore because of what's been done after looking at the latest drawings provided. Rick states when he looks at the berm and the plants currently in place, he doesn't see a visual barrier.

Doug P. asks the Board if they are looking for a Plan reflecting what has changed and Rick E. replied that the Board should get a Plan that shows a deviation. CVE agreed to provide a revised site Plan showing the plantings as they are now with the specifics of the types of species.

Wyster asks the Board to grant a favor and states they will provide the revised plan but could CVE get the Cease-and-Desist order lifted so they can continue working on the project. Dave D. asks if they are planning to continue toward connecting to the grid. Wyster states yes. Rick E. states that considering the difficulty the Board had in getting things done on the earlier part of the project the Board needs a document in place that our administration is satisfied and gives the Town leverage on the visual barrier issue. Rick E. states CVE get the document



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

2022 FEB 22 PM 4:32
RECEIVED

updated, have our administrators review the Bond surety document and he believes the Board should be able to act on the issue at the Boards next meeting.

Dave D. asks CVE about the stormwater issues they are encountering with the Conservation Commission. Eric James gave a brief summary of where CVE stand and hopes to have those issues resolved by next meeting.

Marc C. tells CVE that they have thirty days to work on their issues and the Board will not lift the Cease & Desist order. Doug P. states that when he and CVE are communicating between now and the next meeting what would satisfy the Board in order to have the Cease-and-Desist order removed is to hear from Conservation Commission, an updated site plan reflecting the current screening that's on the site, an official waiver request and the document which is acceptable to the Town administration that gives us the leverage to fix the visual screening if it's not meeting the Plan in five years. CVE agrees to that moving forward. The parties plan to meet again during the next Board meeting in February, 2022.

Issue:

Planner Update:

Budget FY2023

Doug states that the Town's Budget Planning season has arrived and he's expected to meet with the Finance Committee next week. Doug asks the Board if they have recommendations for the proposed budget. The Board recommends keeping the Salary for the Town Planner and the part-time Administrative Assistant. No other details were discussed regarding other budget line items.

Zoning Enforcement

Doug asked the Board for their opinion on him taking over zoning enforcement. Rick E. believes zoning enforcement is the wrong term and Doug should be the enforcement officer for Planning Board related projects. All agreed.

Special Residential Development Update

Doug updates the Board on the proposed by-law for the special residential development discussed in prior meetings. At the last meeting we considered that for the prospective project we would be comfortable doing 50% age qualified. Doug has begun to put the language together which essentially is looking for an alternate use within the Business Commercial District. A few different things have happened since Doug created this draft. Doug notes on page 2 of the draft says under use by special permit from the Planning Board in the business commercial district it would be looking at the additional use of the special residential

development units. Doug states some of the language is still being finalized. Doug states it would allow age qualified and a somewhat denser housing in an area of the town that already has denser housing. Essentially being looked at would be an eighth item under the use by special permit from the Planning Board. The regulatory side of things would fall under the Planning Board rules and regulations and additional language is being worked on. Doug had Met with John Markey on this matter. John represents Rick Miller. John indicated to Doug that he had questions regarding the language if the Board would rather see it be restricted to duplexes or if 3-4-unit townhouses would that be something that is an option for the by-law language itself. The other area of concern would be the number of units in comparison to the buildable number of bedrooms and how that relates to the buildable area of land. John highlighted that restricting it to bedrooms per buildable area wouldn't really meet the density that his client would be looking at achieving and Doug doesn't believe it would meet the density for that area.

Doug asks the Board for any feedback or direction they would like to see the by-law heading. Rick E. states that the Board would unlikely be favorable to any 20-story apartment complex. Doug states it would be restricted to 2 floors, with 35 feet max height which is pretty standard for what's already in that district. Rick E. notes that would be part and parcel to restricting the number of bedrooms that would be allowed there. Marc C. asks if this is additional use of the business commercial district and Doug replied yes. Rick E. notes there are not a lot of areas in Town where land, sewer and water are available. Rick E. asks if down in that area is the Rivers Act going to have an application on what can be done in that area. Rick E. states the Rivers Act restricts building within under 100-foot zone and within the 200-foot zone in certain instances. Rick E. states it's not a Planning Board issue but he's curious as to how the Rivers Act is going to get interpreted for a project that close to the Acushnet River. Rick E. wouldn't want the Board going through a whole procedural project only to find out that the Rivers Act says only certain things can be done. Rick E. states there are provisions in the Rivers Act for previously developed areas which most likely this project would fall under. Doug mentions he will continue working on drafting the language for this and other by-laws. Doug contacted the Rochester Planning Board as requested to assess how they manage Solar projects in particular and will attempt to integrate some of their processes to improve the Board's management of Solar projects. Rick E. noted that Acushnet is somewhat new to Solar projects but other Towns that are not beginners and have figured out ways around a problem.

Note: Dave Davignon recused himself and left the meeting room for the entire discussion.

How Board members receive correspondence

It was agreed that the Board members (with the exception of Chairman Marc C.) would now receive their correspondence via e-mail. Two days in advance was requested.



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

Mail

Meeting Minutes:

November 18, 2021

December 16, 2021

A motion is made to accept the meeting minutes for November 18, 2021 and December 16, 2021.

So moved: R. Ellis

Second: B. Deschamps

Vote was 5-0

[end]

RECEIVED
2022 FEB 22 PM 4:33