



# **TOWN OF ACUSHNET**

## **MASSACHUSETTS**

### **OFFICE OF THE PLANNING BOARD**

**Mailing Address: 122 MAIN ST.**

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**ACUSHNET, MA 02743**

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## **Acushnet Planning Commission Meeting & Public Hearing Minutes for September 22, 2022**

Open: 6:30pm  
Adjourn: 8:22pm

Present: Mark Francois, Chairman  
Rick Ellis, Vice Chairman  
Bryan Deschamps, Member  
Dave Davignon, Member  
Steven Boucher, Member  
Doug Pimentel, Town Planner

Issue: A motion is made to open the Planning Board meeting.  
So moved: B. Deschamps  
Second: R. Ellis  
Vote was 4-0 with 1 abstention (D. Davignon will be late in arriving)

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

Issue: The Chairman asks the Board Members & Town Planner to introduce themselves

Issue: A motion is made to accept the September 8, 2022 meeting minutes  
So moved: B. Deschamps  
Second: R. Ellis  
Vote was 4-0 with 1 abstention (D. Davignon will be late in arriving)

Issue: There are no Planning Board bills to process, only correspondence to read at the end of the meeting

Issue: The Chairman announces the Board will move to the Discussion/Other Topics on the agenda.

Issue: Due to a conflict of interest the Chairman recuses himself from item 1 and asks the Vice Chairman to take over. The Chairman left the meeting room entirely.

Issue: **Form E**, Partial Covenant Release, Definitive Subdivision Plan entitled Perry Hill Estates, off Perry Hill Road in Acushnet MA

Matt Leone from Schneider, Davignon & Leone is present to represent Mr. Francois. Matt L. states the project is Perry Hill Estates on the north side of Perry Hill Road. Matt L. notes it is a

four-lot subdivision and one of the lots is the existing residence of Mr. Francois which leaves three available lots for sale. There has been a road constructed from Perry Hill Road to an existing gravel way that's 12-15 feet wide that is being utilized to access the rear lot. The DPW Director has looked at it and has written a letter to the Planning Board stating he has reviewed it and is satisfied. There is now access to all three lots and the remaining construction that needs to be done is the paved apron in the front and the shaping of the drainage structures as well as some ditching to get the water to convey into those structures. They have proposed to re-grade and widen the existing roadway all the way up to Tripp's way and will be extended beyond that and a construction of a Hammerhead. Matt L. notes that the project excavator expects to have the project completed this fall and definitely by the end of the year. Matt L. notes the only thing that won't be completed by that time will be the final seeding and planting of the wetland's replication area and the drainage ponds. Rick E. asks if they have an order of conditions that requires the proponent to perform the above tasks. Matt L. states yes. Rick E. states that the fire and police need to be assured that the access issues are done to plan and the Hammerhead should be constructed sooner rather than later. Steve B. asks how much does the roadway need to be widened. Matt L. notes they will be widening from where the transition is all the way up to Tripp's Way which is above and beyond what was originally proposed. Matt L. states the excavator has estimated the costs for finishing up the road which will include removing tree stumps and large stones along with regrading. The estimate totals \$38K to complete the project. Rick E. asks if all of the lots have been perc-tested. Matt L. replied, yes. Steve B. asks about the wetland's delineation. Matt L. states that the wetlands line has been delineated and has been approved by the Conservation Commission. Rick E. states he would be looking to see that road in place before the end of this year. Steve B. asks which lots the proponent wants to release. Matt L. states that lots one and three, and lot two would be held in surety until the Planning Board is satisfied that everything has been completed.

Issue: A motion is made to release lots one and three from the covenant.  
So moved: B. Deschamps  
Second: S. Boucher  
Vote was 3-0 with 2 abstentions

Issue: Dave Davignon, Board Member, has joined the meeting.

Issue: The Chairman, Mark Francois, has re-joined the meeting

Issue: **ANR 2022-01** for land at 0 Lake Street, Acushnet MA. River Hawk Land Survey, Middleborough, MA, drawn for Long Plain Cranberry Trust and Crandon Acres Nominee Trust.

The project proponent, Brian Thomasett, is present. Doug P. provides the revised plans to the Planning Board for their review (also, plans were sent electronically to board members two days before the meeting)

A motion is made to approve the ANR plan as presented.  
So moved: D. Davignon  
Second: R. Ellis  
Vote was 5-0

An abutter, Joe Amarello of Crandon Drive, comes forward to ask questions. His main

concern is that if Crandon Drive is finished and a subdivision is allowed where the cranberry bogs are now located, the construction there would become a nuisance mess. Rick E. states that would be a whole separate process and tonight the Board is letting the proponent re-divide the property and not create any new buildable lots.

Rick E. states that based on this plan there's no new houses that can be constructed once the Board signs the Plans. Rick E. notes that will not prevent the proponent from coming back with a subdivision proposal which would require abutter notification and public hearings.

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

The Board agrees they are all on the same page going forward for interpreting Form A access requirements. Mark F. notes that Doug P. will compile a checklist to help proponents navigate the process.

Issue: A motion is made to open the Public Hearing portion of the meeting for the Large-Scale Photovoltaic Bylaw.

So moved: R. Ellis

Second: D. Davignon

Vote was 5-0

The Chairman read the Public Hearing notice then informs the public that the Town Planner will review the proposed bylaw. After that, the Planning Board will ask questions or have comments. Then the Public will ask questions or have comments.

Rick E. states that this bylaw is modeled after a bylaw that was passed in the Town of Hopkinton and that bylaw was approved by the Attorney General. He notes this is a good framework for what we are trying to do here in Town. He notes there are things relative to dimensional requirements and appearance etc. He notes it is not something that's brand new and untested if you will.

Doug P. goes on to say that one of the important points of the AG was that we can't restrict it in any district and has to be allowed in every district. Doug P. touches on the setback requirements and notes that any large-scale solar field will need a minimum of three acres and needs to be a 300-foot setback from any acceptable way. He notes there will be a requirement of 150-foot setbacks for the rear and side as well. Doug P. notes that in comparison to what the Town currently has as a bylaw isn't really doing the Town a service and is not protecting the health and well being of the community moving forward. As part of the proposed bylaw any developer coming in would have to hold a pre-submission meeting with Town officials and get feedback for what would need to be changed before they approach the Planning Board. Doug P. notes that a large concern is the clearing of trees for solar projects. In the proposed bylaw he is requiring that any trees that have to be removed in order to create a solar field either gets placed in the buffer zone or the developer would have to identify another location within Town where they would have to move trees that are 12 inches in caliper or greater would have to be planted in that location. Doug P. notes that the proposed bylaw would require underground utilities with only one connection telephone pole at the site. Doug P. notes that decommissioning needs to account for 20-years because that's the lifespan of these projects and will include a 20-year escalator to cover the future costs. Doug P. notes that monitoring solar facilities will require every applicant/developer to supply an energy assessment to the Planning Board on a yearly basis that notifies the Planning Board that their panels are in good standing and still in good operational standing.

Rick E. states that over the last 2-3 years neighbors are most concerned about is how close some of the projects are to their property and how close these projects are to the street. Rick E. states that's one of things this new bylaw will take care of. Dave D. asks if there is anything in the proposed bylaw that was an add-on from the one that was approved by the AG. Doug P. replied, yes. Doug P. mentioned the setbacks and minimum acreage and is cohesive with what's already been approved by the AG. Dave D. asks about the one for one tree removal and replacement requirements and if a future developer came in and has 40 acres of trees, how could that possibly be accomplished. Doug P. states that would be a determination of the Planning Board and could be a requirement that could be waived. Rick E. states that bylaw requirement should be answered before it goes to Town Meeting. Steve B. asks that because of the acquisitions of solar fields, can there be an amendment added. Doug P. states the Board went through this previously where two permitted projects just recently sold and notes the annual assessment would be able to hit on that fact, so if it changed hands during a given year the Planning Board would know about it. Also, if anything is sold the Assessor's office will be aware of it. Steve B. asks if under this proposed bylaw will developers be grandfathered. Doug P. states we would not be able to go back on any of the projects. Steve B. asks if the next owner would be subject to the most recent bylaw. Rick E. states the Board could not do that. Rick E. notes if a proponent wishes to make a change to the plan, they need to come back to the Planning Board for approval.

The Chairman asks the public if they have questions or comments on the proposed solar bylaw. A member of the audience asks if the bylaw will have any affect on the Park Drive solar project. Doug P. states because it's a permitted project he doesn't believe so and he will follow up with Town Counsel. Rick E. notes that if the proponent for the Park Drive project doesn't finish and their permit lapses, they would be subject to any new bylaw in effect. The audience member asks when the Park Drive permit lapses. Doug P. notes it is probably another year before the permit lapses. Another audience member asks what if there is a problem with the easement for the access road. Doug P. notes that's still in discussion and there will be a Public Hearing coming up to address that. The audience member asks when the Public Hearing will be and Doug P. states October 20, 2022.

Issue: A motion is made to continue this Public Hearing until September 29, 2022  
So moved: R. Ellis  
Second: B. Deschamps  
Vote was 5-0

Issue: A motion is made to open the Public Hearing portion of the meeting for the Residential Village Re-zoning Bylaw.  
So moved: R. Ellis  
Second: B. Deschamps  
Vote was 5-0

The Chairman read the Public Hearing notice then informs the public that the Town Planner will review the proposed bylaw. After that, the Planning Board will ask questions or have comments. Then the Public will ask questions or have comments.

Doug P. notes that at the May 9, 2022 Town Meeting the previous article was tabled. Doug P. notes this article, if passed, would re-zone two parcels of land. The Residential Village District was created for homes with water and sewer connection points. At this point Bradford Street has those connection points. Doug P. notes at the last Town Meeting the

article language included the potential of 10-13 buildable lots. The current proposed article only includes three buildable lots. Dave D. asks how lot 482 would contain three lots. Doug P. notes that the Residential Village District cuts through Bradford Street and the other half of Bradford Street is Residential A. Doug P. notes that only one lot could not be re-zoned. Dave D. notes that he understands this article would create three new lots now with the potential for more, and that would have to be a subdivision process. Steve B. asks if the water and sewer connections are viable for additional lots. Doug P. states that DPW has given every indication the water and sewer connections could handle the three additional lots.

A member of the audience comes forward to speak. She states having been a long-time resident living on Pembroke Street. She stated the following;

- Endangering the community
- Additional house lots would create a safety issue
- Not against building in Acushnet, there's plenty of land in Town
- Claims this area was chosen because it used to be a junkyard
- Claims developer wants to put ten more houses

She asks why the Planning Board wants to put more houses in that area.

Doug P. reviews the three options for that area:

- Re-zone for 2-3 additional buildable lots
- Developer would have an option to develop a 40B plan where the Town would have no say in what that plan would look like and would be administered by the State and 40-60 units of affordable housing could be possible
- Property could be abandoned

She claims Pembroke Street is a tiny street.

Dave D. notes that the DPW could widen that street and it should be a minimum of 20-feet wide. Dave D. states the Planning Board cannot stop attempting to create more tax base for the Town.

She says the Planning Board is more concerned with creating additional tax base than with public safety. Her concern is the safety of the community.

Dave D. notes he supports the article because it is logical planning.

Rick E. notes that water and sewer connection points make it possible to create higher density developments. He states the Town is under pressure to develop affordable housing.

She's convinced that if three more lots are allowed there, another ten will be developed.

She doesn't want this happening in "my own backyard".

A resident, Jaime, joins the meeting via Zoom. He asks why houses are being built without permits and none of the stuff is getting inspected by the building inspector.

Rick E. states that is not the issue for tonight's meeting. If he has an issue, that needs to be

taken up with the building department.

Resident, Jaime, says the agenda did not contain anything about Pembroke Ave.

Mark F. states he will have the Town Planner look into that and make any changes necessary.

A resident, Heather, joins the meeting via Zoom and asks if there's a paper road going from Nelson Ave and are they doing anything with that.

Doug P. states no, it is privately owned.

Resident, Jaime, asks why they don't just re-zone lot 482 for the three houses.

Doug P. replies that would be spot zoning and it would not be approved and needs to include at least one other parcel with it.

Resident, Jaime asks before they developed Bradford Street why weren't the abutters notified.

Doug P. states it was not developed under a subdivision process and was developed under an ANR plan which does not require abutter notification.

A resident, Linda, joins the meeting via Zoom and asks for clarification on what would additionally be built on Bradford Street.

Doug P. explains it included two parcels and include the one across the street and with that being re-zoned would have the potential for four lots with one already built. These would fit on the 482 parcel. Doug P. explains lot 534 has nothing there and would have to go through a subdivision process and the Article includes those parcels of land in order not to be considered spot zoning.

A resident, Deborah, joins the meeting via Zoom and asks for verification on why you need the road (Pembroke)

Rick E. notes that is not an issue relative to this Public Hearing

Issue: A motion is made to continue this Public Hearing until September 29, 2022  
So moved: M. Francois  
Second: R. Ellis  
Vote was 5-0

Issue: **Site Plan Review and Solar Special Permit Modification;** To process a modification for a site plan review and a special permit for a 7.5 MW solar array proposed by Syncarpha Park drive LLC. The engineer is Weston & Sampson. The plans and accompanying documentation are available for inspection at the Town Clerk's Office, Parting Ways Building, 130 Main Street 1<sup>st</sup> floor, during regular business hours.

Doug P. explains he has received correspondence from the proponent asking for a continuation. Doug P. states that the Public Hearing continuation meeting would be on October 20, 2022

Issue: A motion is made to postpone the Public Hearing until October 20, 2022 as requested by the applicants.  
So moved: D. Davignon  
Second: R. Ellis  
Vote was 5-0

Issue: A motion is made to close the Public Hearing portion of the meeting and return to the regular meeting.  
So moved: M. Francois  
Second: R. Ellis  
Vote was 5-0

### **Long Range Planning:**

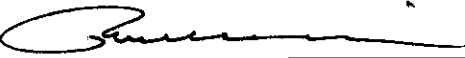
Doug P. notes he is working on the Planning Process checklists including the ANR Form A requirements. Doug P. states he is working on updating the Master Plan along with Open Space & Recreational, Housing and Economic Development. Doug P. notes the Town has secured various grants to begin updating the Master Plan, which is the umbrella to the other plans noted above. Doug P. notes an RFP is being developed to bring in outside consultants. Doug P. notes there will be a need to develop a Master Plan steering committee, which will take 1-2 years to develop.

### **Correspondence:**

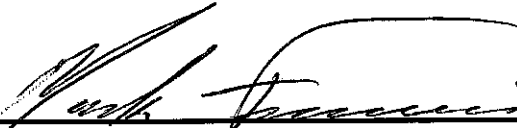
Issues: A motion is made to adjourn the meeting.  
So moved: R. Ellis  
Second: B. Deschamps  
Vote was 5-0

Respectively submitted,

Paul Sullivan  
Administrative Assistant

  
\_\_\_\_\_  
Paul Sullivan

11-3-22  
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Date

  
\_\_\_\_\_  
Mark Francois, Chairman

11/3/22  
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Date