



**TOWN OF ACUSHNET**  
**MASSACHUSETTS**

**OFFICE OF THE PLANNING BOARD**  
**122 MAIN ST.**  
**ACUSHNET, MA 02743**  
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**FAX: (508)998-0203**

*Mr. Ellis* *Mr. Deschamps*

**Acushnet Planning Commission**  
**And Stormwater Review Board**  
**Regular Meeting and Public Hearings**  
**May 10th, 2021**

This meeting was held remotely via Zoom Meetings.

Open: 10:40 a.m.  
Adjourn: 11:30 a.m.

Present: Marc Cenerizio, Chairman  
Bryan Deschamps  
Rick Ellis

Absent: Mark DeSilva, Sr.  
Phil Mello

Issue: Public Hearing: Proposal to amend Stormwater Review Board Regulations and Stormwater Bylaw.

A motion is made to open the meeting on the stormwater bylaw.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Town Administrator Julie Hebert is present, and reads all the changes that are to be made as outlined in Article 15 of the Town Meeting Warrant, found in Appendix 2 of the warrant.

A motion is made to accept the changes in article 15 requested by the Board of Selectmen and Conservation Commission.

So moved: B. Deschamps

Second: R. Ellis

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Issue: Public Hearing: Proposal to amend Acushnet General Bylaws of Zoning Article VIII, Section 7, Flood Plain Overlay District as follows:

- a. Replacing Section 7.2 with Floodplain District Boundaries and Floodplain Requirements
- b. Amending Section 7.2 A by replacing the existing Bristol County Flood Insurance Rate Maps (FIRM) with new data effective 07/01/2021
- c. Adding a new section 7.3 "Definitions"

A motion is made to accept the amendment as written.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Issue: Public Hearing: Proposal to amend Acushnet General Bylaws of Zoning Article VIII, 3.3.C. 14 as follows:

- a. Add Section "A" to include subsection numbers 1 through 8;
- b. Change the wording of "A" (8) to read:  
No common driveway shall be constructed within seventy-five feet (75") of any principal or accessory structure existing or to be served thereby.
- c. Replace subsection number 9 with a section "B" to read as follows:  
*All principal and accessory structures shall be serviced by a driveway that is located within one hundred fifty feet (150") of those structures and which driveway must meet the minimum construction standards herein specified*

Building Inspector Jim Marot is present and explains how part A was all relative to common driveway construction standards and B was just driveways. When the by-law was changed, number 8 and number 9 became conflicting with each other.

A motion is made to accept the changes as written.

So moved: B. Deschamps

Second: R. Ellis

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Rick Ellis notes that once a planner is obtained, it would be good to revisit all bylaws relative to common driveways and retreat lots. Building Inspector Marot agrees, adding that common driveways prevent the need for taking down trees and for additional drainage and should be encouraged.

Issue: Public Hearing: Proposal to amend Acushnet General Bylaws of Zoning Article VIII, by adding a subsection "H" to Section 3.3.1 and Section 3.3.2 and adding a Section "I" to 3.3.4 as follows:

*No material or supplies shall be stored or permitted to remain on any portion of the property outside of a building constructed thereon. Any finished products or semi-finished products stored on the property outside of the building shall be confined to the rear half of the property and shall be appropriately screened on all sides, but shall in no instance be placed on that side of a building paralleling an existing or proposed street. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside of a building constructed thereon.*

Building Inspector Marot says that this goes along with the junk bylaw and is intended to discourage people from having open displays of refuse, and will add a bit of push to him in terms of enforcement so that he can stop people from bringing down property values with trash.

A motion is made to accept the bylaw changes as read, adding that a certain amount of discretion should be applied by the enforcing authorities.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Issue: Public Hearing: Proposal to amend Acushnet General Bylaws of Zoning Article VIII, Section 3.3.4 Subsection "E" by deleting subsection (6) and (7) and adding in their place the following section to read as follows:

*Section 3.3.4 "E" (6) UPLAND CIRCLE: No dwelling, building or structure, having permitted use in any district, shall be erected on a lot unless the lot has an area within its bounds which encompasses an upland circle with a minimum diameter equal to 90% of the required frontage and within which the frontage, or a distance equal to the frontage at the front yard setback line, must pass.*

Building Inspector Marot explains the by-law, which is in relationship to the change of the residential Village District. They changed the zoning from 60,000 to 10,000 square feet and he thinks one of the reasons was to try to increase density within the village district within areas that had sewer. Building Inspector Marot continues, and says the problem is that a lot of land in those areas is wet and that he has seen some of the lots being developed where the ground is so wet that the foundations are going in on ground and then land is being elevated up to meet the main level, so lawns and everything from the dwelling are draining back into the wetlands because they are so close.

Marc Cenerizio asks if this is village district only, and Building Inspector Marot confirms.

A motion is made to accept the article as written.

So moved: R. Ellis

Dave Davignon of 33 Ansel White drive is present and wishes to discuss. Mr. Davignon says the language of the ad that was run does not match with what is on the warrant, and is concerned because it said "any district," but what Building Inspector Marot said was Village District only. He feels it can be interpreted as running through the entire town. As such, it should be tabled for town meeting. Mr. Davignon then offers examples of the ramifications of applying the bylaw to any district.

Mr. Davignon adds that he feels all articles should be tabled due to having a public hearing during a workday at 10 a.m. which, if not illegal, is counter to the intent to give the public a chance to comment on by-laws that might affect them.

Rick Ellis agrees it is a problem if the ad is not what is being discussed in the hearing today, and suggests to the Chairman that this particular article be tabled so it can be properly advertised for a proper public hearing in the future.

Pamela Labonte, Town Clerk, is present, and says that the ads were run starting two weeks ago. Town Administrator Hebert says that the language on the Town Meeting warrant was since changed by Town Counsel. There is discussion about the legality of accepting the language even though it is different from the ad, as this is making the language less restrictive, which is allowable.

A motion is made to accept the article as read with the following revision: that "having permitted use in any district" under the fourth article will be deleted and that will leave this just as effective in the Village District area.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Town Clerk Pamela Labonte asks Rick Ellis to restate his motion.

A motion is made to accept article 4 as amended, that under section 3.3.4E upland circle, that having permitted use in any district be deleted, which will leave the article only effective in the Village District.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Issue: Public Hearing: Proposal to amend Acushnet General Bylaws of Zoning Article VIII, Section 3.3.1 by eliminating subsection (13) Light Manufacturing, and renumbering those items which follow.

Building Inspector Jim Marot states that this change was at his recommendation. He doesn't feel light manufacturing should be allowed anywhere in town,

Rick Ellis says that a lot of the north end of town used to be a bunch of contractors and people with side businesses, and says that there is no reason you have to issue a special permit and you can deny one for any reason you'd like. Rick Ellis adds that they haven't had a lot of light manufacturing things go up in that section of town, and concludes that he is undecided on this one.

Building Inspector Marot says that home occupation is allowed under certain circumstances, but that it's up to the Board, adding that it becomes an enforcement issue for him.

Marc Cenerizio suggests that this matter be tabled until the next Town Meeting.

A motion is made to table Article 5 at this time.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Issue: Public Hearing: Proposal to amend Acushnet General Bylaws of Zoning Article VIII, Section 1.2 Definitions for "Street" or "Way" as follows:

*STREET OR WAY – A public way, a private way shown on a plan approved under the provisions of the Subdivision Control Law, or a private way in existence when the provisions of the Subdivision Control Law became effective in Town, having, in the opinion of the Town's Planning Board, suitable grades and adequate construction to serve the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the building erected or to be erected thereon, having a minimum pavement width of twenty-two (22) feet and a minimum layout width of thirty (30) feet.*

Building Inspector Marot says that this was changed in 2015, thinking that in some circumstances the Planning Board should have the ability to make a determination about how much pavement they want to have, but now the Board of Selectmen feel it shouldn't have been changed and should be put back in.

Dave Davignon, of 33 Ansel White Drive, says he understands the history, but his concern is that the last portion of the language about the minimum pavement width of twenty-two feet makes no sense, as you can drive around town and see multiple roads that are not twenty-two feet, and does this mean they aren't streets in the Town anymore? The subdivision rules and regulations require a fifty-foot layout, and this would take away from the Planning Board's ability to make a determination, and conflicts with the earlier portion of the paragraph.

Mr. Davignon notes that there is also a proposal at Town Meeting to spend \$25,000 on an engineer to go through the bylaws; he feels this is a great idea and this paragraph is an example of where they could come up with something clearer. Mr. Davignon adds that he doesn't question the desire for the Select Board to have a minimum standard for the Town, but feels this paragraph as written is a mess.

There is discussion about hiring an outside engineering firm, and whether the job of reviewing the bylaws is appropriate for the Town Planner who will eventually be hired.

Mark Francois, of 301 Perry Hill Road, is present and states his agreement with Mr. Davignon. He doesn't think this bylaw makes sense and feels it takes away from the Board being able to make decisions on private ways, where the Planning Board should have more discretion than on a public way. Mr. Francois concludes that he does not feel this should be mandated to the homeowners, as asphalt is an extreme expense and twenty-two feet is an extreme number.

A motion is made to table the article until there is Planning help in place, and to revisit it at that time.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

A motion is made to adjourn the meeting.

So moved: R. Ellis

Second: B. Deschamps

Roll call vote Ellis- Aye, Deschamps - Aye, Cenerizio - Aye.

Vote was 3 for, 2 absent.

Respectfully Submitted,  
Jenn Brantley