

TOR 7-19-16

PLANNING BOARD  
148 Peck Street  
Rehoboth, MA 02769  
(508) 252-6891 Telephone  
(508) 252-5342 Facsimile



James Muri, Chairman  
Edward Bertozzi, Vice Chair  
John Moriarty  
Robert Moitozo  
Tomas Ennis  
Christopher Cooper  
Stephen Brooks, Jr.  
John Scanlon, Assoc. Member

**Meeting Minutes  
July 15, 2015  
Town Offices  
148 Peck Street  
Rehoboth, MA 02769  
7:00 PM**

Present: James Muri, Robert Moitozo, John Moriarty, Edward Bertozzi, Christopher Cooper, Tomas Ennis, Town Planner – Leeann Bradley

Absent: Stephen Brooks, Jr., John Scanlon, Associate Member

Pledge at 7:00p.m.

Form A  
None

**Public Hearings**

Kearsarge Rehoboth LLC – 128 Bay State Rd. – 15-01Solar, 15-02GWSP, 15-02SPA – Mr. Michael Lotti was present. He emailed a new letter this afternoon but Ms. Bradley had not yet received it. Mr. Lotti began by stating there were four (4) items with Fuss & O'Neill for the Site Plan review. The first item was the height of existing trees. This information is on the plan. Item #2 is asking for a graphic visualization of the solar arrays. Mr. Lotti stated the arrays are so far back that the renderings would essentially show only trees. He said they could expand the planting plan to add another row along the western edge, which is item #4. He asked if the Planning Board wanted renderings, and that this is not a requirement. Mr. Lotti informed them there are hundreds of feet of vegetation as well as added plantings. Fuss & O'Neill requested that some species of vegetation be changed and pulled back from the tree line. Mr. Lotti confirmed with Ms. Bradley that that he had met with the Conservation Commission and determined only three (3) trees were marked to be selectively cut. The renderings would show existing trees with the plantings but takes a few weeks to compile and is expensive. The arrays are 7-1/2' high and the fence is 8' high. Mr. Lotti realized the planting plan is updated and shows a pole close to the street. He wants to change that plan to move the pole and update per the Fuss and O'Neill comments. He will submit new stamped plans to the board.

Mr. Lotti revised the O&M Manual reflecting mowing, tree trimming, snow-plowing and fence maintenance. He also confirmed there is 200' of solid trees between the library and the proposed arrays. There will be one turning pole at the street and the next pole at 100'. There will be no switches or structures at the first pole.

Mr. Muri asked about surety. Ms. Bradley stated that they had not yet received any type of surety from the applicant. Mr. Lotti understood they could not issue approval tonight without surety in place. The Planning Board was assured they would have revised stamped plans and surety in place by the next meeting on August 5, 2015.

Mr. Cooper motioned to grant a 30 day waiver of deadline to August 29, 2015.

Mr. Moitozo seconded the motion. Motion passed.

#### New Business

BlueWave – Decommissioning Agreement – Mr. Bill Gaudette was present and requested a conclusion on the Decommissioning Agreement per the Planning Board approval of \$90,000.00 and lease surety bond of \$125,000.00. Ms. Bradley stated they did not have a form of surety yet and the applicant could not obtain a building permit until surety is in place.

Mr. Gaudette stated they are currently in the pre-construction phase and should have the building permit in a month or two.

Mr. Ennis made a motion to amend the Site Plan Approval language in the bond to reflect what is stated in the lease, which is \$125,000.00.

Mr. Bertozzi seconded the motion. Motion passed.

Mr. Moitozo motioned to amend the first motion to include language stating there is not a significant change to the application.

Mr. Ennis seconded the motion. All aye on original motion.

Signatory Authority – Mr. Moriarty motioned to authorize James Muri, Edward Bertozzi and Robert Moitozo as signatory authority.

Mr. Cooper seconded the motion. Motion passed.

#### Old Business

Sun Edison – Mr. Mark Ciannavei at 276 Summer St. was present and is an abutter to the SunEdison project. He sent an email regarding the approved landscape plan. He met with SunEdison after planting took place and noted they were working with the wrong planting plan. SunEdison did not plant what they were asked to plant. The plantings were watered once. Vines are growing over holly trees. The poles and plantings are an eyesore. He noted there are five (5) telephone poles with transformers and switches. The plans showed only three (3) telephone poles. The gate has not yet been installed. It appears to be in pieces inside the fence. Mr. Ciannavei stated the abutters are not happy and are in attendance tonight.

Mr. Ben Friedell was present on behalf of SunEdison. Mr. Muri informed Mr. Friedell that the project is horrible and something needs to be done about it. Ms. Bradley informed Mr. Muri they hold a Decommissioning and Landscape Bond. He made it very clear to Mr. Friedell that unless all the concerns are resolved, the Planning Board will take steps to obtain the cash value out of the surety and use it to make good on the project. Mr. Friedell responded by giving a brief overview of the project and provided an update. He stated that at one point the landscaper did have the wrong plan but worked stopped until the correct plan was issued. The work is not yet completed but should be by the end of the month. They have reached out to the abutters to set up bi-monthly meetings and site walks as well as discussing tree locations. Mr. Ciannavei thought the number and type of trees would be discussed before the planting took place.

Mr. Moriarty asked if Mr. Friedell had been to the site and if he found it acceptable. Mr. Friedell stated the project is not yet complete. Mr. Moriarty asked when he expects this project will be somewhat near what they proposed. He is concerned that SunEdison will get what they want and have their project up and running and not follow through with what was promised to the abutters. Mr. Friedell stated SunEdison is a long term owner of the facility and they will continue to remedy

the project. Mr. Ennis does not want any additional planting now since the plantings would not survive. September and October would be a better time to plant. Ms. Denise Pacheco-Martin, an abutter, asked when the last time Mr. Friedell was on site. He stated he was there 3 weeks ago. Ms. Pacheco-Martin stated to Mr. Friedell, "so you are aware what a disgrace it is to look at". Another audience member, Mr. Arnold, addressed the board stating he owns the property and that weeds won't be cut until the plantings are done. Ms. Denise Pacheco-Martin asked Mr. Arnold if he would mow the area between her mother's house and the fence. He said it would be taken care of.

Mr. Bertozzi had a copy of the SunEdison landscape plan and clarified it with Susan Ciannavei. He feels SunEdison should be able to achieve a buffer by October. Mr. Muri requested that SunEdison schedule a site walk with their architect for a Saturday or Sunday with notice given 1 ½ weeks prior in order to notify the abutters/neighbors of the site walk. The SunEdison architect must then come up with a plan to correct the concerns raised tonight. Mr. Muri also demanded that the planting procedure be clearly spelled out so trees are planted and survive. There also needs to be a maintenance component to the new plan. Mr. Friedell requested that the architect from SunEdison walk through the site with the Planning Board first and meet with the abutters afterwards. Mr. Muri wants the abutters involved and made it clear to Mr. Friedell the Planning Board's final decision will weigh heavily on the concerns of the abutters. Mr. Bertozzi suggested having two (2) neighbors and the landscape architect meet at the site walk. Mr. Muri asked Mr. Ciannavei to be the spokesperson for the project. Mr. Ciannavei asked for a second spokesperson. Ms. Denise Pacheco-Martin offered to be the second spokesperson. Mr. Cooper proposed that SunEdison return to the Planning Board with a plan that will work for everyone for the second meeting in August.

An audience member asked about the gate and telephone poles. Mr. Friedell responded by stating the final gate is not in place. As for the poles, they are within the right of way as approved by the selectmen on National Grid's right of way. Mr. Muri asked Ms. Bradley to send a memo to the Board of Selectmen regarding the facts on the poles for this solar project and the concerns by abutters and the Planning Board, as to the aesthetics. Mr. Friedell stated National Grid presented three (3) poles to SunEdison as was presented to the Planning Board.

#### Rehoboth Solar – Citizen's Energy – Tremont Street - Landscaping

Mr. Ennis brought up the solar project on Tremont Street. Mr. Ennis drives by the project daily and said nothing has been done, nothing has changed. Ms. Bradley will inform Citizens Energy that it appears that nothing has been done and to supply photographic evidence that that additional landscaping was planted.

Mr. Ennis made a motion to have Citizens Energy supply photographic proof of the requested improvements or the Planning Board will take action.

Mr. Bertozzi seconded the motion. Motion passed.

Housing Production Plan Update - Mr. Bertozzi met with the Board of Selectmen on Monday to request their permission to speak to town counsel today. They feel improvements could be made to Board of Health and Zoning Board of Appeals Chapter 40B regulations. They require more information on geological compositions of the soil. Mr. Bertozzi asked the Board for their expertise and input. Mr. Cooper stated the plan needs to be carefully crafted.

#### Minutes

1. May 21, 2014
2. June 18, 2014

Mr. Cooper motioned to approve the above minutes.

Mr. Ennis seconded the motion. Motion passed.

#### Invoices

1. ARC – 24x36 copy paper - \$63.05
2. Fuss & O'Neill – 128 Bay State Rd./solar - \$1,577.65
3. Fuss & O'Neill – The Preserve - \$25.75

Mr. Cooper motioned to approve payment for the invoices above.

Mr. Ennis seconded the motion. Motion passed.

#### Executive Session

Mr. Bertozzi motioned to open Executive Session to discuss potential litigation regarding Moonlight Estates and to return to open session only for the purpose of adjourning the meeting.

Mr. Cooper seconded the motion. Motion passed.

Moonlight Estates. This has gone to Eric Brainsky to ...the developer...email explains

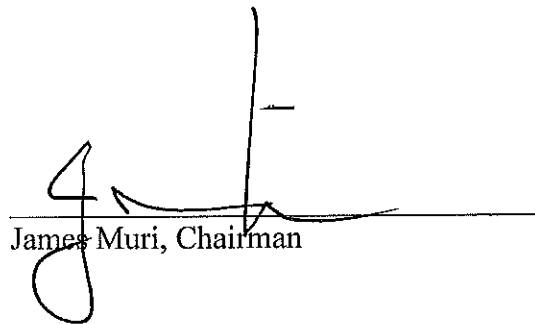
Mr. Muri motioned to close the Executive Session

Mr. Cooper seconded the motion. Motion passes.

#### Adjournment

Mr. Bertozzi motioned to adjourn at 8:55 p.m. Mr. Ennis seconded the motion. Motion passed.

Respectfully Submitted,



James Muri, Chairman