

PLANNING BOARD  
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Christopher Cooper, Chairman  
Robert Moitozo, Vice Chair  
Edward Bertozzi  
Tomas Ennis  
William Costa Sr.  
Jake Kramer  
Tish Vadnais  
Lynne Ferreira, Assoc. Mbr.  
Daniel Roach, Town Planner

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**Meeting Minutes  
February 17, 2021  
Remote Meeting  
7:00 PM**

Present: Christopher Cooper, Robert Moitozo, Edward Bertozzi, Jake Kramer, Tish Vadnais, Lynne Ferreira, Associate Member, and Daniel Roach, Town Planner.

Absent: Tomas Ennis

Mr. Cooper began the meeting with the Pledge of allegiance at 7:03p.m.

**New Business**

**1. Planner Update**

Mr. Roach stated that the Board of Selectmen would be looking at the retreat lot restriction for Perryville Road.

**Old Business**

**1. Substation – Reynolds Ave. – Progress Report**

Mr. Roach spoke with the engineer last week and received an update. They told him that the transmission line work, that was in the right of way, has been completed. Now National Grid has demobilized from the site for the remainder of the winter and for the spring. Everything has been temporarily stabilized. He will be going out to the site, once the snow melts, with Adam Latham, the engineer, to take a look at the site. Just to see how it looks. Anyone is welcome to come. We don't have a set date. He'll let everyone know when it has been set and what the date is.

**2. Eastwood Estates – Phase I – Roadway Acceptance and As-Built**

Mr. Roach stated that the engineer has done the final review. The Highway Superintendent has to do his as well, to make sure all stormwater systems are functioning properly before this is accepted.

**Public Hearing**

**1. 90 Pond Street – Rehoboth Renewables – 19-01 Solar, 19-03 SPA, 19-04 GWSP**

Mr. Moitozo asked do we want to open the hearing at all because Mr. Ennis is not here? It would count as a missed meeting.

Ms. Vadnais stated she felt that we shouldn't make any special exceptions if someone misses a meeting. Mr. Cooper stated that the meeting was open regardless, right? Because it has been continued. We don't

have to open it every time. He felt that the board shouldn't deliberate on it if Mr. Ennis was absent. Mr. Moitozo stated if deliberations is regarding new information. Mr. Cooper stated he agreed the board shouldn't hear any new information with Mr. Ennis being absent. Mr. Moitozo stated it could affect his ability to vote. Mr. Bertozzi stated that the fact the Mr. Ennis isn't here is important. But if we grant a continuance, the understanding would be that the hearing is being continued, it's not going to take place. The board discussed this further.

## **New Business**

### **2. Ground Water Protection District – By-law**

Mr. Bertozzi asked if this was going to be on the warrant?  
Mr. Roach stated the Ground water by-law will be.  
Mr. Bertozzi asked do we know when Town Meeting is going to be?  
Mr. Roach stated as far as logistics he is unaware.  
Mr. Bertozzi stated we need to give some thought as to who will present, who will be talking about it.  
Mr. Cooper stated that he felt that Mr. Costa would be a good choice.  
Mr. Kramer stated that May 11<sup>th</sup> is the date of Town Meeting and March 1<sup>st</sup> is the deadline to have any changes into the Town Administrator.  
Mr. Costa stated he though Mr. Bertozzi and himself had spoken about this 1 ½ years ago. When we were trying to delineate the ground water area. It came to light that it was the whole town and not just isolated locations. That's the premise of the whole thing.  
Mr. Cooper stated he agreed. He thought we had discussed it before. Whoever speaks we want to keep it as simple as possible and to the point.  
Mr. Costa explained why it is the entire town and not just certain locations.  
The board discussed this further.

## **Public Hearing**

### **1. 90 Pond Street – Rehoboth Renewables – 19-01 Solar, 19-03 SPA, 19-04 GWSP**

Mr. Cooper stated we will not be discussing this due to the absence of Mr. Ennis in addition to the applicant requesting a continuance.  
Ms. Stacy Haskell of 101 Pond Street was present.  
Ms. Haskell states she had a procedural question. What is the responsibility of the Planning Board? What do you make decisions based from?  
Mr. Roach stated the Subdivision Rules and Regulations and the Zoning By-laws.  
Ms. Haskell stated if you make everything based off of the by-laws, what happens if you make a decision that goes against the by-laws?  
Mr. Roach stated you have the right to appeal.  
Ms. Haskell asked that is with the ZBA, correct?  
Mr. Roach stated yes.  
Ms. Haskell asked other that that you can go ahead and pass or approve a project or deny a project regardless if all the by-laws is met.  
Mr. Cooper stated that is incorrect. We are governed by our by-laws and our by-laws are at a certain level and the state by-laws are above that and the national by-laws are above that.  
Ms. Haskell asked do you over look the town by-laws because of a state by-law?  
Mr. Cooper stated we consider everything when we make a decision in general.  
Mr. Bertozzi stated that often the by-laws are a bit general. The questions arise 1) what are the facts? 2) how do we apply the law to the facts? The laws are not black & white. In general, almost always, the board does ask Town Counsel what are the cases that have involved the laws and the context of the laws. So, that we have a better understanding of what the laws mean.  
Mr. Joe Nunes of the Water Commission was present.

Mr. Nunes confirmed that this public hearing will be continued until the next meeting.  
Mr. Cooper stated correct.

**Adjournment**

Mr. Costa made a motion to adjourn at 7:24 pm

Mr. Kramer seconded the motion. Roll call vote; all replied aye. Motion passes.

Respectfully Submitted



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Christopher Cooper, Chairman

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