

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, Clerk  
Robert Moitozo  
Tomas Ennis  
Christopher Cooper  
Stephen Brooks, Jr.  
John Scanlon, Assoc. Member

**Meeting Minutes  
September 2, 2015  
Town Offices  
148 Peck Street  
Rehoboth, MA 02769  
7:00 PM**

RECEIVED  
17 MAR -2 AM 9:05  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

Present: James Muri, Robert Moitozo, John Moriarty, Stephen Brooks, Jr., Edward Bertozzi, Christopher Cooper Tomas Ennis, John Scanlon, Associate Member  
Town Planner – Leeann Bradley  
Absent:

Pledge at 7:00p.m.

Form A

1. Eosefow Estate – 98 Rocky Hill Rd. – 15-12A – Mr. Otis Dyer was present on behalf of the applicant. He began by stating the property consists of a large tract of land with a house on it. They are proposing to create one house lot which will be a retreat lot. It meets the retreat lot requirements.

Mr. Cooper motioned to endorse the Form A.

Mr. Brooks seconded the motion. Motion passed.

2. Williams/Hass – Providence Street – 15-13A – Mr. Otis Dyer was present on behalf of the applicant. He noted the property is a state approved Agricultural Preservation Restriction property along the Palmer River. Four house lots will be eliminated. Mr. Dyer requested the Planning Board waive their fee since it benefits the town. Mr. Bertozzi noted Carol Williams worked very hard on this project. Mr. Muri stated the town is putting in some money about 10% for the project. The state funds the remainder.

Mr. Cooper motioned to waive the fees.

Mr. Brooks seconded the motion. Motion passed

Mr. Bertozzi motioned to endorse the Form A.

Mr. Ennis seconded the motion. Motion passed.

## Public Hearings

1. Kearsarge Rehoboth LLC – 128 Bay State Rd. – 15-01Solar – Mr. Mike Lotti from Innovative Engineering Solutions was present on behalf of the client. He made a change in the detail sheets regarding screws to hold the foundation down in lieu of tubs. National Grid contacted him and he was able to go into the field and make changes to pole locations. Mr. Lotti noted that National Grid was unable to do exactly what he requested of them. He distributed photos to the Planning Board. Mr. Lotti stated that across from the driveway is a large tree with a dam behind it. National Grid will not put a pole there. Also, there is a guardrail that enters the property 20' to 30' in. A pole will be put in with guy wires, which is the turning pole. At 100' will be the first pole with the switch, and at 50' a meter pole and then at another 50' is the Kearsarge pole. The conditions on the permit will be changed to reflect the plan. The Planning Board has a decommissioning agreement but need a Letter of Credit. No building permit will be issued until it has been received. Mr. Bertozzi motioned to close the public hearing for the Groundwater Special Permit, Site Plan Approval and Solar Special Permit for 128 Bay State Road.

Mr. Cooper seconded the motion. Motion passed.

Mr. Moitozo motioned to approve the Solar Special Permit and Groundwater Special Permit for 128 Bay State Road subject to the conditions discussed.

Mr. Cooper seconded the motion. Motion passed.

Mr. Moitozo motioned to approve the Site Plan Approval for 128 Bay State Road subject to the conditions discussed.

Mr. Cooper seconded the motion. Motion passed.

## New Business

1. Landfill Solar Project – Decommissioning Agreement/Bond – Blue Wave Capital – Mr. Bill Gaudette from Blue Wave Capital was present. He is before the board to discuss the Decommissioning Agreement and Bond. He is hoping to obtain a Building Permit in 2 weeks to begin construction.

Mr. Bertozzi motioned to have the Planning Board accept the Decommissioning Surety Agreement.

Mr. Cooper seconded the motion. Motion passed.

2. Sun Edison – 280 Summer St. – Landscaping Update – Mr. Dave Moulton was present on behalf of Sun Edison. Mr. Muri asked to let the records show that Mr. Moitozo recused himself. Mr. Moulton presented the Planning Board with a new proposal. This is the result of meeting onsite to discuss the plantings and the concerns of the town. He feels the proposal is fair to the town. Mr. Moulton is proposing 11 additional 6' trees not 51. Adding more trees at this height would hinder growth. Mr. Muri stated there seems to be a dramatic decrease in the number of trees that was discussed at the site visit. He reminded Mr. Moulton the town has a bond for landscaping if they do not meet the requirements of the Planning Board and abutters. The gate needs modification to meet what the Planning Board approved, such as scalloping staining etcetera. Mr. Cooper stated his dissatisfaction with Sun Edison and that it does not sit well with the Planning Board. He stated their effort to maintain a positive relationship with the community is laughable. Mr. Muri noted they do have some recourse in the form of a Cease and Desist or they can activate the bond worth approximately \$27,000.00 and draw upon that to do what they feel is correct and what was originally agreed upon. Mr. Scanlon stated the site is a mess and the plantings cannot be seen. Mr. Muri noted he is hugely underwhelmed by what has been presented to the Planning Board. The gate is made of pine not cedar and it does not adequately screen. The arrays can be

seen behind the plantings. Adam Latham spoke with Fuss & O'Neill's architect and they both agreed there needed to be more planting than what they currently have. He does not see any of the planting that were requested on the east side screening the abutter's property. Six trees were agreed upon. He suggested that Mr. Moulton go back to his superiors and revise the planting plan and provide a cut sheet on a professionally constructed gate that looks similar to the rendering. He wants to see an architectural rendering of what is going to be made and it needs to be cedar not pine. Mr. Moulton stated that with regard to the plantings, this is their proposal. Mr. Muri then suggested to the Planning Board that they speak to town counsel on how to activate the bond. Mr. Bertozzi agreed and stated that the plantings were to be in 3 tiers and staggered, not a single row as shown. Six feet on center was never discussed and cedars do not grow to 20' in diameter. Fifty-one trees may be too many but 11 are clearly not enough. Mr. Moulton stated their landscape architect feels 51 trees are far too many for the property. Mr. Brooks informed Mr. Moulton he needs to go back to his landscape architect and have a discussion with him about tonight's conversation with the Planning Board. He should come back with a new rendering of the gate and keep the discussion going. Mr. Muri then added they are at a point that they are miles apart on what is adequate. He informed Mr. Moulton he is going to speak to town counsel to see what is required to draw upon the bond and he is also going to ask how far they can go in issuing Cease and Desist orders to enforce the conditions of the original permit. Mr. Muri asked Mr. Moulton to go back and work toward a solution for both parties and then come back to the Planning Board. Mr. Muri stated the following requirements to give the Planning Board a legal stamp to draw on the bond and issue a Cease and Desist. These stipulations will be put in the form of a motion in two weeks.

- #1 Gate is inadequate and does not screen appropriately. Gate does not meet architectural standards expressed in original renderings.

#2 Landscape plantings do not adequately screen property from the street.

#3 Installed plantings do not meet quality or quantity expressed in original plan.

This will be the reason for denying in two weeks if they don't come back and present something reasonable. At that point the Planning Board will draw on the bond and issue a Cease and Desist. Mr. Moulton left the meeting. Mr. Scanlon questioned the O&M plan. The plants will not grow since there is no ground maintenance. The O&M plan will be looked at.

Mr. Ennis motioned to authorize Ms. Bradley to speak with town counsel regarding the issues above.

Mr. Cooper seconded the motion. Motion passed.

Mr. Moitozo returned to the meeting.

3. Housing Production Plan – Mr. Bertozzi began with comments regarding obtaining water from surrounding town. ATS Equipment wanted to connect to Swansea and Seekonk water system and were denied. Idlewoods/Pleasant Street had a pipe across a perennial stream. Swansea gave them permission for their own wells. Mr. Bertozzi is writing regulations regarding wells and septic systems and guidelines for density.

## Old Business

1. Tremont Street – Solar – Citizens Energy – Landscaping Issues – Mr. Adam Latham was present on behalf of Citizens Energy and presented a draft copy of the planting plan improvements. He noted it is enlarged to a 40 scale plan. The east side has the most effective screening with deer resistant plantings. He suggested leaving what has been planted as it may come back and is not dead. He proposed 16 evergreen shrubs at the feeder poles. Trees cannot be put in due to overhead lines. Mr. Latham suggested a double row of plantings to fill in gaps. One minor change is Citizens wants access through the western area. Trees in stump area to be moved to the South near hammer head. Planting will begin as soon as the plan is finalized, hopefully early October.

Mr. Muri is concerned about maintenance of the site. If plants die off will they be replaced? Mr. Latham stated there is usually a 10% loss but with a project of this size it may be a bit more if not maintained. There is usually a one year industry guarantee for plantings. The owner is responsible for replacing plants that have died.

Mr. Brooks motioned to accept the planting plan as submitted with the changes as proposed by Mr. Latham on behalf of Citizens Energy, with the condition that they guarantee the plantings for 2 years. This will be added as a note on the final plan.

Mr. Ennis seconded the motion. Motion passed.

Mr. Moitozo motioned to accept the planting plan proposed by Citizens Energy dated 8/31/15 with minor modifications.

Mr. Bertozzi seconded the motion. Motion passed.

Minutes

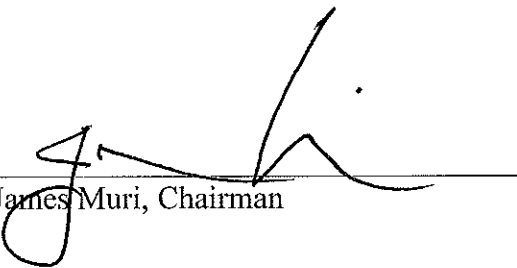
Invoices

Adjournment

Mr. Brooks motioned to adjourn at 9:10 p.m.

Mr. Moitozo seconded the motion. Motion passed.

Respectfully Submitted,



James Muri, Chairman