PLANNING BOARD
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Meeting Minutes
March 31, 2021
Remote Meeting
7:00 PM

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

Absent:

Mr. Cooper began the meeting with the Pledge of allegiance at 7:05p.m.

Mr. Cooper explained the purpose of tonight meeting and the format of the meeting.
The Board discussed this further.

New Business

1. SERPEDD

Mr. Costa gave an update to the Board regarding money available for studies and repairs. Also, to renew his appointment to the SERPEDD board.
Mr. Cooper explained when the Board will reorganize.
Ms. Vadnais asked if there was any testing of wells in town going to happen?
Mr. Costa stated that nothing had been mentioned.

2. Robert Moitozo – Leaving the Board

Mr. Moitozo stated that it was time for him to move on and wished the Board well.
The Board thanked him for his service.

Public Hearing

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

Mr. Steve Gioiosa of Sitec Engineering was present.
Mr. Kevin McAllister 74 Dean Street, Taunton, MA was present.
Mr. McAllister was representing some of the abutter to the project.
Mr. McAllister gave his background. Explained where the abutters stood and his position on the application in regards to the abutters. Spoke in particular regarding what's reasonable and not reasonable to regulate. The screening bylaw and the property values. Asked the Board to not issue the Special Permit based on what he spoke about.
Mr. Alan Seawald of No. Hampton, MA was present.
Mr. Seawald was representing the applicant.

Mr. Seawald gave his background. Explained where the applicant stood and his position on this application in regards to the applicant. Spoke in particular about the Dover Amendment and how he felt regarding the way it pertained to this application. Also spoke about the terms protecting public health, safety and welfare, his standing on those, emphasizing public not private. Also spoke about solar by-laws. He urged the Board not to base a denial on 2nd floor screening. Asked for an approval on this project tonight.
Mr. Jason Talerman, Town Counsel was present.
Mr. Talerman stated he is not advocating for either side. Gave his thoughts on this project. Spoke about the Dover Amendment. Stated that you don't get to regulate just because there are regulations. Also spoke about public health, safety and welfare, diminishing property values and how he felt it relates to the Dover Amendment.
Mr. Cooper asked the board if they had questions?
Mr. Bertozzi stated with regard to our bylaw and screening. Read subsection A regarding tree plantings. Spoke about that subsection A wasn't a loop hole to enable the facility to be seen. It needs to be not visible. We understand that 20' trees can not be planted. The 8' fence takes care of all the sight lines from the 1st floor and the street. Asked the lawyers how they would interpret subsection A and the impact on the Boards decision?
Mr. McAllister stated that he thought about the minimal provision of plantings for visibility purposes for all solar facilities in town. As a practical matter the topography of the area make a lot of difference. That's what individualizes these cases regulations to each project. He thought what the town intended was that every project had to have some screening. Consistent with that, not contradictory to that, is that you're not supposed to see any of the panels from any of the properties in the neighborhood. Because of the topography here those 6' tree limits don't do the job. So, this is an approach to cover cases like this. The topography renders the plantings inadequate. No one can dispute the fact that the topography for any given solar array is different from the others.
Mr. Bertozzi asked if Mr. McAllister's position was that the applicant should plant the trees, wait 10 years, then build the facility?
Mr. McAllister stated my view is that 40A doesn't mean that every solar project that comes into town needs to be approved. You are the people who decide what's reasonable.
Mr. Seawald stated that the fundamental issue, the approach here is what property means. The unreasonable part is applying screening to the 2nd floor. Now 6' is your sighting requirement. The requirement is 6' trees that are at least 8' in 5 years. That's what the town meeting decided was reasonable to protect public health, Safety and welfare. We're not disputing the reasonableness of the requirement. It doesn't say 6' or whatever else the Planning Board decides. It says 6'. An applicant incompliance with that sighting requirement can not be denied. Unless you can show that there is some public health, safety and welfare problem. Town Meeting is the authority on what's reasonable. The questions are whether it's reasonable to elevate that to the 2nd story to be included. He didn't think they would have put 6' trees in as the sighting requirement. One more thing pointed out was that you are entitled to 4 sight lines under the bylaw. We provided 20+ sight lines in this case. The applicant is giving you more than you're asking for.
Mr. Talerman stated that he would take a different approach to this. When you look at bylaws that might have some facial inconsistencies the rule of interpretation, statutory interpretation applies in these instances. There are 2 rules here that are important 1) your supposed to use every effort to harmonize the bylaws. Here we have a bylaw the preamble to 3.9.5, that says essentially, screen these projects from view, from the neighboring properties. Then you have this section A that has tree plantings at 6' high that may not actually accomplish that goal. Does that mean that they didn't really mean what they said in the first place? Can both of these be true? So, when you're trying to harmonize them, he would say they both can be true. It does have some screening requirements. You have to put in trees. But it also has other standards of making these projects such that they are not visible from neighboring properties. You can all interpret that; you would be getting a little bit of difference in your interpretation as to where from the neighboring properties this project should be invisible. Is it ground level? It doesn't mention the roadways. So, that

ground level, is it the 2nd story? He thought that there's room for interpretation there, as to how you approach that. 2) is that the stricter bylaw is always going to apply. The first preamble is stricter. So, there is a requirement here for pretty strict screening so that these arrays are not visible. Whether that's accomplished by just the 6' trees or it's a combination of more trees than that and fencing, I don't know. I think that's up to the Planning Board in the contexts of Special Permits and Site Plan review, that they undertake here. However, this is the kind of bylaw the courts are not invalidating these bylaws both judges were careful to note this in both decisions that Mr. McCallister provided. Theses are not per se invalid bylaws, the questions really here aren't what's wrong with the bylaw. The questions are whether or not any very strict provisions of the bylaw would have to give way or yield to a solar project that might otherwise be frustrated or be deemed constructively denied by virtue of application of something that requires strict screening. Example: we represent a town in central MA where there are some very expensive properties that are on the down slope towards a lake. Across the lake on the up slope someone wants to do a solar project. They have a similar bylaw that talks about screening. You would need 200' high fence to screen it. It's impossible to screen that. Can the town deny it on those grounds, because it will always be visible by virtue of topography? We've opined that they can't. We've worked with them to reorient some of the solar panels to use the best non-glare technology possible. At the end of the day if the choice was between denying the project because it would be visible from some very expensive properties or allowing it with some reasonable conditions that can help. I think that the law under the Dover Amendment says that we had to allow it and there's not enough, it's not an intractable public health, safety and welfare issue. It's the fact that people don't want to look at it. I wouldn't want to look at it either. But that's not what the law is telling us we can do. I think here it's not such a drastic issue or such a drastic situation, where there is such contrast, in terms of the topography. But if there was a conflict between applying those 1st couple of lines of the 3.9.5 and having this project go forward. I think I know where the courts will come out.

Mr. Bertozzi stated that he thought it was clear that both the neighbors and the board are not going to make the decision based on whether or not they personally like or don't like the esthetic issue. The value issue is more important.

Ms. Vadnais stated she had a question for Mr. Seawald about the footprint. You mentioned that it's very important. So, can you explain to me what is the carbon trade off of cutting down all those trees up to the fence line and the fact that you also on grading plan 1 that there's no stumping. Does that mean that you are going to level all these stumps sticking out of the ground, all over the place?

Mr. Seawald stated that is a very good question, but it's not one that I'm going to answer because legislature has answered that. The legislature has said that it is that solar is promoted and that balance has been started by the legislature. I don't know what the carbon off set would be from cutting down whatever trees are going to be cut. I don't know what would be mitigated by the trees that are going to be planted. As Mr. Talerman said this is a protected use. One that the legislature has deemed to be important enough to limit your ability to deny. Mr. Gioiosa can answer the questions about the stumps.

Mr. Gioiosa stated that there will be stumps left. Explained the reasons for that.

Mr. Cooper asked if there were further questions from the board?

Mr. Cooper stated that he believed Mr. Lang's paper on housing was published in late 2020. He's curious if the lawyers knew how many land court decisions had been made since that time on this subject, since it was brought up? Has it had any impact on any court cases since publication?

Mr. Seawald stated he was not aware of any.

Mr. McAllister stated nor was he.

Mr. Cooper asked the audience if they had any questions or concerns?

Ms. Marsha Hood of 116 Bay State Road was present.

MS. Hood stated that what has been brought up by all 3 attorneys was issues with public health, safety and welfare. Spoke about what the Water Commission asked, regarding what would happen if trees are clear cut. There wouldn't be anything stopping the water from going downhill. It could flood basements, which could cause a mold issue. There are strong herbicides being used in the killing of the brush and there are

toxic products in the solar property. It is a safety and health issue. She felt there were violations to environmental laws. That there were health and safety issues. She read part of an article that she had written to the Rehoboth Reporter (see attached, page 3).
Mr. Cooper stated that the first part of your question may be best addressed by Mr. Gioiosa. The second part of your question about whether the board would be required to give more time due to Covid, etc. Is something that Mr. Talerman can answer.
Mr. Gioiosa stated that there are no herbicides being used on the property. The second questions regarding run off and conservation was explained.
Mr. Talerman stated when Covid first came about and municipalities were working with the pressures of conducting our business and conducting hearings, the legislature and government came to our aid and adopted a number of emergency orders and other special pieces of legislation including the one that allows us to do these meetings via zoom. Which we were not allowed to do before Covid. In addition to that there were a series of provisions that allowed us to fore stall the deadlines, or to not even hold the hearings on permit applications. It expired in December. So, even if there hadn't been an ongoing hearing or if there had been a delay in the proceeding during that period we would have been compelled to resume and we are required to keep going and we are required to keep doing our business now. With the ability to do it by zoom, so we can socially distance appropriately. We don't have any Covid ability to delay the proceedings any longer.
Ms. Stacy Haskell of 101 Pond Street was present.
Ms. Haskell stated that her first questions is on the aspect of property and sight lines from the 2nd floor.
Mr. Seawald, you said that 2nd floors don't really matter. Stated why she felt they should matter.
Mr. Seawald stated that he believes what he said was that interpretation of screening from the 2nd floor, under the specific requirements of the bylaw and based on experience, would not be a reasonable interpretation of the bylaw or the requirements of Chapter 40A section 3. Which require that any reasonable regulation be related to public health, safety and welfare. His view, being able to see a solar panel from the 2nd floor of a home is not a public health, safety or welfare issue.
Ms. Haskell stated that the fact was that her property wouldn't be 100% screened when the solar array goes up. Asked about moving the project further back on the property in order to have it screened 100% on day 1.
Mr. Cooper stated that as long as the land owners doing within reason to the bylaw what's legal, we can't force them to move it backwards. Explained why they can't move it back.
Mr. Roach asked the attorneys their opinion on if it was conditioned to move the southern and western limits of the panels and move them more north, would that be considered an unreasonable regulation if it then made the project not feasible?
Mr. Seawald stated that would be his position. That would be an unreasonable regulation. We comply with the requirements. Which is a 50' setback and we're offered 75' setback and we're not going to voluntarily move any further and it would be my position that a condition that required us to move it to place that is uneconomic and would frustrate the project would violate the limitation of section 3. A direct violation of land court decision.
Ms. Haskell stated that the land court decision could be a different project that what Mr. Seawald is referring to. Explained where the project falls from her property. She felt that it would not be enough to screen her property.
Mr. Seawald stated I do understand that the screening that has been proposed, which exceeds the bylaw minimum, fully screens this project from your property at ground level. There is nothing in the bylaw that speaks to 2nd floors. It would be a beyond reasonable interpretation of the bylaws to suggest that screening from the 2nd floors. Mr. Talerman has already informed the board that any such interpretation that relies on the esthetic screening particularly from the 2nd floor would not fare well in court. I don't believe that coming out to Pond Street would change any of the legal precepts that I've just explained.
Ms. Haskell stated that's your interpretation.
Mr. McAllister stated Ms. Haskell is my client, but I want to respond to what Mr. Seawald said. Mr.

Chairman you pointed out at the last meeting that the only project you can vote on tonight is the project that is before you, not one that's moved back. I think that's true. But what I also think is true is what the bylaw actually says about screening and the 2nd floor. It doesn't talk about 2nd floor, 1st floor. It just says "shall be visually screened, not to be visible from abutting streets and property". The 2nd floor is part of the Haskell's property. It's part of all my client's property. Certainly, from the Haskell's and St Louis's property it will be visible for the first 10 years. It's a violation of the bylaw if it's applied. I don't think the board has evidence before it that moving it back, so as to complete the required screening, makes the project economically infeasible. My point is, without evidence of that you shouldn't assume that's the case. Any entrepreneur wants to maximize their profits, but this applicant chose to ask you to approve this with full knowledge that they weren't going to comply with screening. The issue regarding public health, safety and welfare; public does not mean it has to impact the entire town. This bylaw talks about the neighborhood. This is clearly the neighborhood. My clients are all in the neighborhood. They are part of the public. You all know that for the most people their personal residence is the most significant investment that they will ever make in their life. We have evidence that their property values will be detrimentally affected by this. There's no evidence that says otherwise. That's public welfare too. I think it all goes back to the issue you guys decide tonight weather applying this is reasonable or not. Reasonable to one person is different to another.

Mr. Talerman stated he had a slightly different view of this than Mr. Seawald and a little bit from Mr. McAllister as well. This is a special permit. In addition to the rigid dimensional criteria in section 3.9.5, under the special permit considerations and your general special permit jurisprudence. You do have the authority to view other things in terms of health, safety and welfare, when you are determining what would be reasonable or not. In terms of regulations. That could include moving things to an area that is beyond the 50' setback or requiring additional screening. It is a special permit and discretion is pretty broad for imposing conditions. The fault line between your regular general special permit jurisprudence when you can pretty much do whatever you want and it never be over turned and Dover Amendment special permit jurisprudence is that if there is any concern that imposing those kinds of requirements which would have tied to a public health, safety and welfare issue could render the project infeasible or economically impracticable, then those regulations would have to yield to the Dover use. I'm sensitive to Mr. Mc Allister's notion about whether or not there's been any findings or conclusions made on that. I don't know what Mr. Seawald has done with that. I haven't viewed the evidence in that context. I don't know what it would look like if the project were moved or cut back or otherwise. I take it on face value when Mr. Seawald says that it would have a drastic effect. But I can't draw that conclusion. But if there was a valid reason, rather that just a punitive reason, for moving it around and it didn't otherwise effect viability of the project. It gets a little closer to that particular issue of whether or not there's a reasonable regulation. Because you aren't depriving anyone of the protected use. While still balancing what is otherwise a valid bylaw. I'm kind of in between Mr. Seawald and Mr. McAllister on particular issues. Mr. Seawald certainly has more facts to back up his opinion than I do.

Mr. Seawald stated that his positions a little different that that. While a Special Permit is a mechanism that can be used, it can be significantly restrained under the Dover Amendment. We have already moved the project back by ½ again by what the bylaw requires. I don't agree that absent a showing by the board that there is a public health, safety and welfare reason for moving it even further back, that the board would be justified in doing so and that would be a condition that would be considered reasonable under the cases that have been decided. There's a reason that municipalities have lost every one of those cases. My prediction is that you would lose this case as well, if you continue to move it further back. I believe Mr. Gioiosa has gone through, several times, that we have reached the limit of economic feasibility in moving this back. Given the restrains we have on the other side of the property. I think there's ample evidence in the record to that effect. So, I would disagree a bit with Mr. Talerman. There is more than a little evidence that we have moved this as far as we can move this.

Mr. Talerman stated to be clear I agree with Mr. Seawald, that any decision to move this around, which would be your regulation power, would have to be tied to health, safety and welfare. Where it's not

specific in the bylaws and you're using general special permit power to change something about this project, to reasonably regulate it. It would have to address the health, safety and welfare. I kind of disagree with the public – vs – private impacts. But it's still health, safety and welfare. Note that the bylaw also includes convenience and property values. I don't think that regulation solely for the purpose of convenience or property values would be consistent. I think applying a specific requirement in terms of screening could still potentially be allowed, if it didn't have an injurious effect on feasibility of the project. But I don't think crafting a regulation through your special permit authority would be valid unless it was tied to public safety, health and welfare. I agree with Mr. Seawald on that part.
Ms. Haskell asked does that mean that their property values going down doesn't fall under public welfare? Spoke about all the house within 1 mile would be affected. Spoke about how much the property values would go down. Asked again how it doesn't fall under public welfare?
Mr. Roach stated that the professor from URI was clear that the data he collected could not support any sort of statement in regards to that.
Mr. Bertozzi stated that when the professor was asked what the effects would be on Pond Street, he stated there's not enough transactions. The professor stated he could not make any implications. He was unwilling to say that the houses on Pond Street values would be diminished by even 4%.
Mr. Bertozzi spoke in regards to the research he did in regards to properties that would be affected, on the 2nd floors, and gave his data. He believed that if these properties were not screened properly that there would be a decrease in property values of certain homes.
Ms. Vadnais stated that Mr. Gioiosa stated that the solar arrays would be seen from Wilmarth Bridge Road and Pond Street, this is against our bylaws, and that is a problem.
Ms. Haskell stated that she hoped that the board had received copies of the petition that had been filled out. She stated she felt that the petition shows that this is a town wide issue and not just the abutters. Spoke about the board being elected and how she felt about their responsibility to the town and its people, by upholding the town bylaws.
Paulo Baptista of 119 Pond Street was present.
Mr. Baptista thanked everyone. Spoke about how his neighborhood has come together for their cause. Spoke about their website. Spoke about the board taking into consideration the distance between this facility and the one on Summer Street. He asked the lawyers if other towns or if just Massachusetts state law stated anything about 2 solar facilities being so close to one another?
Mr. Seawald stated that 40A section 3 says nothing about the proximity of one solar facility to another.
Mr. Baptista stated ok. He agreed with Ms. Vadnais's comment regarding being able to see the facility from the street. He asked Mr. Gioiosa to clarify if the solar panels would be seen from Mr. Baptista's first floor, sight line K.
Mr. Gioiosa explained how that sight lines were done. He did not feel that Mr. Baptista would be able to see the panels.
Mr. Baptista stated he didn't agree.
Mr. Roach showed the plans.
Mr. Gioiosa explained that the sight line would raise diagonally as the line goes further back.
Mr. Baptista thanked Mr. Gioiosa for the explanation. Asked why, for economic feasibility, a smaller solar facility couldn't be built here. Spoke about the petitions that were signed. Asked Mr. Roach to list all the people that were in attendance tonight?
Mr. Roach stated who was in attendance.
Mr. Baptista thanked the Planning Board and pleaded to the board to deny the project.
Ms. Rachel Bauman – Echlin of 122 Pond Street was present.
Ms. Bauman – Echlin asked Mr. Mc Allister about the Dover Amendment in regards to public health, safety & welfare. She also asked about the question of reasonable and unreasonable.
Mr. Mc Allister spoke in regards to what public means. Stated that welfare is a question of argument as to what it means. He felt that the people of Pond Street's house values fall under welfare, as well as screening.

Ms. Vadnais made a motion to close the public hearing.
Mr. Kramer seconded the motion. Roll call vote; all replied aye. Motion passes.
Further Discussion:
Ms. Vadnais spoke in regards to the Planning Boards duties as elected officials.
Ms. Vadnais made a motion to deny the Special Permit under article 4.1, under the section 3.5 screening. "The large-scale ground-mounted solar photovoltaic facility, including all accessory structures and appurtenances, shall be visually screened so as not to be visible from abutting streets and properties. All accessory structures and appurtenances shall be architecturally compatible with each other and the surrounding neighborhood. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts. The adequacy of such screening and shielding shall be determined by the Special Permit Granting Authority in its sole discretion. Methods such as the use of landscaping, natural features, berms and fencing shall be utilized. The Special Permit Granting Authority may, at the applicant's expense, engage the services of a Registered Landscape Architect in order to create a landscaping/screening plan for said facility which satisfies this bylaw, as determined by the Special Permit Granting Authority in its sole discretion". so for those reasons and those reason alone she votes to deny.
Mr. Cooper stated there was no second to the motion so the motion doesn't carry.
Mr. Bertozzi spoke in regards to how difficult the decision is. He felt that the screening with the 8' fence would be sufficient, in regards to screening the 1st floors, according to all the sight lines. Felt that the applicant needed to acknowledge that people do have 2nd floors. He felt it wasn't fair to say to people that have 2nd floors we're only going to take into consideration the 1st floor. He did not think that was fair. Spoke in regards to the applicant agreeing to plant trees that will reach 20' or more. The board agreed to allow them to be pruned so they don't grow over the 20' mark. Spoke in regards to Professor Lang's study. Explained that it would take 10 years for the project to be completely screened from the 2nd floor.
Ms. Vadnais stated that is not what our bylaws state.
Mr. Bertozzi stated he is trying to apply the law as it was explained by Town Counsel, with regards to his interpretation of our bylaw. Spoke in regards to special conditions he wants to have in place regarding screening, bonds and surety, and Landscape and maintenance.
Ms. Vadnais stated that sounded good, but that there are other solar facilities in town that have not done this even when asked. With the exception of one of them.
Mr. Bertozzi spoke further about an agreement for a bond.
Mr. Kramer added that the bond should read with the word's "broad leaves and conifers." That way there is screening 12 months out of the year.
Mr. Roach spoke in regards to what is normally required in the landscape bond. Asked the board or Mr. Gioiosa's position on what the bond amount should be.
Mr. Kramer stated a minimum of $50,000.00.
Mr. Bertozzi stated $75,000.00.
Mr. Talerman stated if you get there you have a condition of approval that says the landscaping, come up with a number of what it would take to replace the landscaping. It can be peer reviewed. But it should not just be an arbitrary number. It should be an actual number with a contingency on it.
The board discussed where the number comes from.
Mr. Gioiosa stated he thinks that Mr. Kramer's number is reasonable.
Mr. Cooper stated that it was discussed at a previous meeting that there would be money put aside upfront for additional plantings, once the original screening has been installed. He believed that the amount that was decided on was $20,000.00.
The board discussed the screening further.
The board discussed the clearing of trees that will happen before planting s are installed. They spoke about the tree stumps that will be left and agreed they should be 6" from the ground.
Mr. Gioiosa stated that would be acceptable.
Mr. Bertozzi spoke in regards to the specifications submitted for the panels. He wanted a condition to state that none of the panels used would have toxic materials in them.

The board discussed other conditions that they would like to see for this project. What will have to happen in the event of a fire, the battery facility, the storage of the batteries, the battery storage, the secondary containment for the batteries, an alarm system on the secondary containment area and that all responses to Fuss & O'Neil must be satisfactory.
Mr. Gioiosa stated that adequate secondary containment is a reasonable request for this battery facility, secondary containment is not unusual, and the Applicant is not opposed.
Mr. Bertozzi made a motion to approve the application upon the following conditions:
*The applicant provides a bond for landscape and maintenance in a form and amount satisfactory to the board and that the bond be with surety acceptable to the board.
*A similar bond with surety for decommissioning.
*That the battery facility, including batteries, not contain any toxic materials; or that the battery facility have adequate secondary containment and have safety features, including an alarm system to communicate with the Fire Department and others, all to the satisfaction of the board.
*That the solar panels be silicon based and not contain any toxic materials.
*That no herbicides are used on the property.
*That any and all sound from this facility should be shielded and monitored, so that it doesn't create any sound at levels in addition to what is already there. This applies to air conditioning in the battery facility and also air conditioning in regards to other equipment used. This condition pertains to any noise made by the facility.
*That Fuss & O'Neil has signed off and that all of their concerns have been satisfactorily addressed.
*That the landscaping and installation of the trees will be done and completed prior to the installation of any panels and framework for the panels, the battery equipment, and the interconnecting equipment, to the satisfaction of the board before the project proceeds any further.
*The Planning Board be permitted to have an observer at all times when cutting of trees is done and before the cutting of trees is done, so that the clearing that is done is agreeable to the board and conforms with the plans that SiTec has presented.
*That trees outside the fence which are cut down, will be cut within 6-12" from the ground.
Mr. Costa seconded the motion.
Mr. Cooper asked if there was any further discussion?
Mr. Cooper stated to amend the motion in regards to having the applicant provide a contact person that will be accessible to the board should there be neighborhood complaints in the future. The board agreed.
Mr. Costa seconded the amendment to the motion.
Roll call vote:
Cooper – aye
Moitozo – aye
Ennis – aye
Costa – aye
Kramer – aye
Vadnais – nay
The motion passes.

Solar Special Permit roll call vote:
Cooper – aye
Moitozo – aye
Ennis – aye
Costa – aye
Kramer – aye
Vadnais – nay
The motion passes.

Ground Water Special Permit:
Mr. Ennis moved to approve the Ground Water Special Permit
Mr. Costa seconded the motion.
Cooper – aye
Moitozo – aye
Ennis – aye
Costa – aye
Kramer – aye
Vadnais – nay
The motion passes.

Site Plan Approval:
Mr. Ennis move to approve the Site Plan application.
Mr. Kramer seconded the motion.
Cooper – aye
Moitozo – aye
Ennis – aye
Costa – aye
Kramer – aye
Vadnais – nay
The motion passes.

Mr. Gioisa thanked the board for their work and effort.
Mr. Cooper thanked Mr. Gioiosa, Mr. Talerman, Mr. Seawald and Mr. Mc Allister for coming tonight.

New Business

1. Bond Reduction – Blue Heron Estates

Mr. Roach stated that the applicant for Blue Herron Estates had asked for a bond reduction in the amount of $130.000.00, which was recommend by Fuss & O'Neil.
Mr. Moitozo moved to approve the bond reduction.
Mr. Costa seconded the motion.
Roll call vote; all replied aye. Motion passes.

2. Stone Wall – Perryville Road

Ms. Vadnais spoke in regards to a stonewall that was removed on Perryville Road. To her knowledge this can not happen due to Perryville Road being a historic road. Asked if this was under the Planning Board? The board discussed and Mr. Roach has been in contact with the contractor and will continue to be stay involved. The stonewall will be rebuilt with the exact stones that were removed.
Ms. Vadnais asked Mr. Roach to forward the board a list of all the scenic roads in town.
The board discussed further.

Adjournment

Mr. Moitozo made a motion to adjourn at 10:49 pm
Mr. Costa seconded the motion. Roll call vote; all replied aye. Motion passes.

Respectfully Submitted

William Costa Sr, Chairman

Jake Kramer, Vice-Chairman