

PLANNING BOARD
148 Peck Street
Rehoboth, MA 02769
(508) 252-6891 Telephone
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James Muri, Chairman
Edward Bertozzi, Vice Chair
Robert Moitozo
Tomas Ennis
Christopher Cooper
Stephen Brooks, Jr.
John Scanlon, Assoc. Member

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

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OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Present: James Muri, Edward Bertozzi, Robert Moitozo, Stephen Brooks, Jr., Tomas Ennis, Christopher Cooper

Town Planner – Leeann Bradley

Absent: John Scanlon, Associate Member.

Pledge at 7:03p.m.

Mr. Muri asked for a moment of silence for the victims of the San Bernardino shootings.

Form A

1. Kenneth M. Baker – 261 Locust St., Swansea/Rehoboth – 15-24A – Mr. Peter Lavoie from Guerriere and Halnon, Inc. was present on behalf of the applicant. The applicant and the Mass. Agricultural Department are working together to put the Baker Farm in an Agricultural Preservation Restriction. The parcel will remain a farm and never be developed. The Mass. Agricultural Dept. purchased part of the land and the Baker family is donating a portion of the land. The third parcel in Rehoboth will not have the Agricultural Preservation Restriction since it is wetland and can never be built on. Most of the property is in Swansea. Mr. Lavoie is at the meeting tonight because the back portion is in Rehoboth. All parcels will remain in the same ownership. Mr. Lavoie is asking for the board to consider a reduction of fees since this project is creating open space. Mr. Muri asked the board for a motion to reduce the fee to \$180.00. Mr. Brooks motioned to reduce the regular fee to \$180.00. Mr. Bertozzi seconded the motion. Motion passed. Mr. Cooper motioned to endorse the Form A. Mr. Brooks seconded the motion. Motion passed.

2. Glen E. Hagman & Tina Hagman – 201 Rocky Hill Rd. – 15-23A – Mr. Otis Dyer was present on behalf of the applicant. He began by stating this property is a large tract of land with a house in the back. The applicant wants to create a lot in the front. The back will be a retreat lot. The applicant has a buyer for the front lot. The driveway will be moved. Mr. Bertozzi requested that the plan show how the retreat lot shall be accessed from its own frontage. Mr. Dyer agreed. Mr. Moitozo motioned to endorse the Form A with the above revision requested by Mr. Bertozzi. Mr. Bertozzi seconded the motion. Motion passed.

3. Susan E. Nunes Harney – 224 Tremont St. – 15-21A – Mr. Otis Dyer was present on behalf of the applicant. He began by stating this is a large tract of land. The applicant has sold the house and wants to create a house lot that is minimal with 200 feet of frontage. The remaining land is not exactly a retreat lot but will be considered non-buildable.

Mr. Cooper motioned to endorse the Form A.

Mr. Ennis seconded the motion. Motion passed.

4. Bradford A. Hall Real Estate Trust – Salisbury St. – 15-22A - Mr. Otis Dyer was present on behalf of the applicant. He began by stating this is also a large tract of land. The owner wants to divide off one house lot.

Mr. Cooper motioned to endorse the Form A.

Mr. Ennis seconded the motion. Motion passed.

5. Edlin & Doreen Almeida – 12 Old Barney Ave. – 15-20A - Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He began by stating there is an existing dwelling on both parcels. There is a parcel in the middle which was 8 Old Barney Avenue which was cut off 6 or 7 years ago. When that was done it left 200' of frontage for an existing old farm house, which is the 12 Old Barney Avenue location. The remainder of the property will be accessible from Old Barney Ave. or Old Fall River Road.

Mr. Moitozo motioned to endorse the Form A.

Mr. Cooper seconded the motion. Motion passed.

6. Stephen & Donna Delprete – Ash St. – 15-25A – Mr. Otis Dyer was present on behalf of the applicant. He began by stating this property is a double lot that the applicant wants to split into two lots. The lots are currently empty.

Mr. Bertozzi motioned to endorse the Form A.

Mr. Ennis seconded the motion. Motion passed.

Public Hearings

New Business

1. Right of First Refusal – Ch. 61A – 297 Winthrop Street/45 Summer St. – Ms. Bradley stated this matter was on the Conservation Commissions agenda last night. It was tabled to the next meeting. Mr. Evans of the Rehoboth Land Trust and also the vice-chairman of the Conservation Commission, will present this at the RLT's meeting next Wednesday to see if they have any interest in the property. Even though it is not changing hands they still have the Right of First Refusal. Mr. Bertozzi explained this is a situation they have not seen before. A land locked piece of property is pulled out of 61A. There would be an appraisal and the town would have the right to buy it. The land will be leased to SunConnect Corp. for solar development. Ms. Bradley stated this matter will be discussed at the next Conservation Commission meeting after Mr. Evans discusses it with the Rehoboth Land Trust.

Mr. Moitozo motioned that the Planning Board notify the selectmen that they are neutral and have no preference whether to pursue the purchase of the property or not.

Mr. Ennis seconded the motion. Motion passed.

Mr. Bertozzi raised the issue of that at some point land like this could be developed for houses. Does the solar farm prohibit the development of houses? Is this a benefit? It must be properly buffered. Mr. Muri stated there may be other boards that could have a use of this property.

2. Solar Project Discussion – 545-557 Winthrop St. – Ron Medeiros – Mr. Ron Medeiros was present. He distributed information to the Planning Board. The project will be at the Wig Wam location on Route 44. Mr. Medeiros understood there were some problems in the past. Mr. Medeiros has been in contact with the Board of Health and reviewed the file with Ms. Bradley. He has also been in contact with the owner's attorney, Mr. Robert Fredericks. He understands there may be some issues going forward. Mr. Medeiros stated there was an analysis of the site. A preliminary investigation with National Grid regarding capacity was conducted. He is proposing a 4 plus acre, 650 Kilowatt array that will incorporate 2 feeder lines available at the street. There will be approximately 2,100 solar panels. He noted the area is remote from abutters. Mr. Muri noted that the solar bylaws have recently changed. He suggested reviewing the bylaws. Mr. Muri also stated that they have had a couple of bad experiences where utility pole farms were installed right on the roadway. The bylaw language has been changed to incorporate ground mounted switch gears, and other requirements for solar arrays. They will allow for 1 turning pole on the street. Mr. Medeiros stated he will consult with his electrical engineers but understood the Planning Boards position. He assured Mr. Muri he will work with the Planning Board to come to an acceptable conclusion. Mr. Muri also informed Mr. Medeiros that they also require a 2 year bond primarily for the buffer strip around the solar array. Mr. Muri also noted the Planning Board has the ability to retain a landscape architect on the town's behalf. Mr. Medeiros asked about fence size requirements. Mr. Muri stated it depends on where the solar array is located. Mr. Moitozo stated the pole requirements may be in his favor since there are poles from the street to the existing building already. Mr. Medeiros stated Brandon Faneuf will be flagging the wetlands. Form A plans will be forthcoming. Mr. Muri wants to make it clear to all parties that there needs to be a clear delineation of roles regarding the buffer, fence maintenance etcetera. Mr. Bertozzi made it very clear to Mr. Medeiros that he is favor of solar but he does not want to see it. It is an eyesore. Rehoboth is a rural community. Mr. Medeiros stated their focus is to keep projects out of site. Mr. Bertozzi stated the Planning Board has been very disappointed and lied to in the past from some solar developers. He robustly informed Mr. Medeiros that they don't want to see the project at all. He wants an agreement that they won't see it. Mr. Bertozzi asked Mr. Medeiros for the addresses of two projects that he wants to view. Mr. Medeiros gave him a 363 Quaker Highway location in Uxbridge, as well as a Fairlee Road location in Norton. Mr. Bertozzi reminded Mr. Medeiros that if the project is done right, they are in favor of it. Mr. Muri again reminded Mr. Medeiros to look over the new bylaw. The discussion ended at that point.

Old Business

1. Sun Edison – 280 Summer St. – Landscaping plan update – Mr. Muri stated they received a beautiful planting plan that they cannot afford. Mr. Muri stated they have a surety for approximately \$27,000.00 and the planting plan cost is \$47,000.00. He added in a few other costs and came to a figure of \$57,000.00, which is difference of \$30,000.00. The plantings need to be reduced by \$30,000.00 in order to be within budget of the surety. He suggested sending this information to the developer informing them that this is what they expect for improvements and see what their reaction is. The other option is to ask Town Counsel what other options they have regarding a cease and desist order, or other leverage they may have in getting the developer to

make the required improvements. The gate needs to be replaced as well. The gate photograph they have looks nothing like the gate installed.

Mr. Cooper motioned to consult with Town Counsel regarding options mentioned above, and to send the owner/operator the planting plan and a photo of the gate.

Mr. Brooks seconded the motion. Motion passed.

2. Discussion regarding proposed regulations on Hydrogeological Assessment - Ms. Bradley stated the Board of Health has it to review. Mr. Bertozzi spoke to Karl Drown today and stated it has been distributed to the members of the Board of Health. They are reviewing it and will discuss it at their next meeting. He noted that the board is generally concerned about water issues for people. Mr. Muri thanked Mr. Bertozzi for working so diligently on the project with various experts. Mr. Bertozzi thanked Mr. Muri and noted he had a tremendous amount of help, especially from Mr. Jack Hermance. He reminded the board that this is only a first step in the process.

3. Moonlight Estates – close escrow account - \$1,397.75 – Ms. Bradley spoke to Ryan DuVally and he will be sending documentation to her, however she has not received it yet. Mr. Muri has heard that the abutter purchased the property and it will be kept as open space and not developed.

Minutes

Mr. Muri had not had a chance to read the minutes. He asked that the minutes be tabled.

*Mr. Muri made mention that the Housing Production Plan was accepted at Town Meeting and is in the possession of SRPEDD. It is now an official document. Ms. Bradley stated that Grant King wants to come before the board in February regarding the Housing Production Plan and discuss some ideas on how to implement it. Mr. Moitozo mentioned that The Zoning Board and the selectmen should be invited to the meeting as well.

**Mr. Muri noted that a letter needs to be sent to the Board of Selectmen stating that the Planning Board is aware of the official resignation of John Moriarty and that the Planning Board intends to fill the vacancy. A meeting with the BOS needs to be scheduled to fill the vacancy.

Mr. Bertozzi motioned to send the above mentioned letter to the Board of Selectmen.

Mr. Cooper seconded the motion. Motion passed.

Mr. Muri stated the current Associate Member, John Scanlon agreed to fill the vacancy until April.

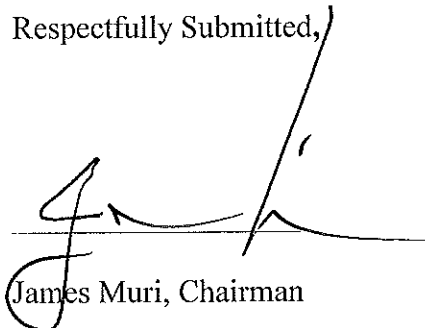
Invoices

Adjournment

Mr. Moitozo motioned to adjourn at 8:40 p.m.

Mr. Cooper seconded the motion. Motion passed.

Respectfully Submitted,



James Muri, Chairman