

PLANNING BOARD
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Christopher Cooper, Chairman
Robert Moitozo, Vice Chair
Edward Bertozzi
Tomas Ennis
William Costa
Michael Costa
Michael Costello
Leeann Bradley – Town Planner

**Meeting Minutes
May 17, 2017
Town Offices
148 Peck Street
Rehoboth, MA 02769
7:00 PM**

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REHOBOTH, MA

Present: Christopher Cooper, Robert Moitozo, Tomas Ennis, William Costa, Michael Costa, Michael Costello

Town Planner – Leeann Bradley

Absent: Edward Bertozzi

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

Form A

1. Derek Mallozzi & Jena Reilly – 79 Simmons Street – 17-04A – Mr. Robert Caruzzi from Mount Hope Engineering was present on behalf of the applicant. He is proposing 3.7 acres on Simmons Street be divided in half for two buildable lots. Each lot has the required frontage and area and monuments have been set.

Mr. Ennis motioned to endorse the Form A plan.

Mr. William Costa seconded the motion. Motion passed.

Public Hearings

1. Definitive Subdivision – Reposa Estates – off 237 Plain Street – 17-01C – Mr. Cooper stated the developer has requested a continuance to June 7, 2017.

Mr. Costello motioned to continue the public hearing to June 7, 2017.

Mr. Ennis seconded the motion. Motion passed.

New Business

1. Sign Bylaw – Discussion with Selectman Muri – Selectman Jim Muri was present for the discussion. Mr. Cooper noted that the sign bylaw was tabled for further study for the fall meeting. He would like to get input from the business community when they go forward with this bylaw at the next town meeting. It has to be a negotiation between the Planning Board and the business community. He does not want to have a situation where they have to think about enforcing our current bylaws. A lot of the established signs are non-compliant. He wants to put something together and get it passed. Mr. Costello commended the board for the time and effort they have put in to the bylaw.

He feels social media creates problems and he is still amazed at the people who know nothing about it. He feels the bylaws should be tailored to everyone, not to just the business community. Mr. Cooper agreed with much of what Mr. Costello was saying. He has read much of the new bylaw. He noted there were complaints about blackout times. Mr. Costello mentioned that they have approved commercial projects before and then had residents complain about sign lighting, parking lots lights etc... The Planning Board then came up with shielding of lights. Ms. Bradley noted that blackout times are currently part of the outdoor lighting bylaw. Mr. Costello feels the board should write a letter to the current Zoning Officer asking him to enforce the bylaw. Mr. Muri added that the Building Inspector is now required to refer certain things for Site Plan Approval and require certain standards to be upheld. That can be done right now without any sign bylaw in place. He also recommends writing a letter to the Zoning Enforcement Officer letting him know that bylaw language has changed and he is now required to uphold that. He should also know the Planning board is going to take a more active role in looking at signs. Mr. Muri added that the Planning Board can limit signs with regard to their size and lumens as part of the Site Plan Approval process. Mr. Muri also added that in the past the Planning Board has always been willing to work with businesses with regard to signs and lighting and special considerations. He feels it is possible to achieve a balance between rural and commercially viable business in town. Mr. Cooper feels the bylaw is not going to pass at town meeting since there were concerns with it. Mr. Muri suggested sitting down with the Rehoboth Business Association and others to come up with some bylaw language they can both live with, and that suits the needs of the people of Rehoboth. He also recommended considering the inclusion of language that refers to a set of guidelines or specifications that the town uses for signs. The bylaw could say something similar to, the signs shall adhere to this particular document and the Planning Board may from time to time amend them through the public hearing process. He is not sure that can be done but Town Counsel may have some ideas about that. Ms. Bradley stated they have the Outdoor Lighting Regulations to refer to, however, Mr. Muri stated that is simply a set of guideline that was enacted internally. It's part of the Planning Board regulations. Mr. Muri added that if someone has an existing building that does not trigger a building permit they can put up a sign. Mr. Costello added they would still need a permit for the sign. Mr. Cooper asked if anyone from the audience wished to come forward with questions or concerns. Mr. Tim Johnson and Mr. George Cardono came before the board. Mr. Johnson began by apologizing and stated he did not realize the bylaw was in its final form in March. It was sent to the president of the RBA. It somehow got lost in the shuffle and did not get to the RBA members. They were not aware of the bylaw in its final state and saw it for the first time when the Town Warrant went out. He finds the bylaw disingenuous if there is a bylaw that says a business owner must have lit signs out between 11pm and 6am. If the bylaw goes through that is a fact going forward. He finds it disingenuous when the board goes in front of a town meeting and says they are cleaning up the sign bylaws and nothing has really changed even though the bylaw goes from ¾ of a page to seven pages. That is a lot of changes. He feels there are a lot of changes that will prevent people from putting up signs. You can no longer hang a sign that blows in the wind. He noted there are signs like that everywhere. There are many things in the bylaws that need some attention. Mr. Ennis stated they tried to put this through last November and there was a meeting with a room full of people. They addressed every one of the concerns the audience members had. Mr. Johnson stated that coming before the Planning Board was not required when putting up a sign. He did this 10 years ago. It is in the zoning regulations that a business owner simply goes to the building inspector who looks at the sign and gives the okay to put up a sign. Mr. Costello added that the trigger is when a business owner has a remodel or addition then they must come before the Planning Board who has the authority and obligation to regulate the sign. Mr. Johnson agrees. This bylaw would change all that. He does not want Rehoboth to look like Route 6 in Seekonk. He does not feel the bylaws are pro-business.

There is not one thing in the bylaws to increase commerce. Mr. Muri added that these are legitimate points and suggests the RBA and others in the business community meet with the Planning Board and hammer out things that you feel you really need to have. The Planning Board will decide what is necessary to maintain the rural character of Rehoboth. Ms. Bradley asked for their concerns to be addressed in writing so they have something to work with. Mr. Johnson read the bylaw and found it confusing. Mr. Costello stated the Planning Board is putting the bylaw together and if there is no opposition out there and no complaints, the board assumes everything is alright. Mr. Johnson added he has heard in the past that townspeople don't want electronic message boards in town. He feels his business has been singled out more than once. Mr. Muri stated he was part of the board that crafted the bylaw. They pulled language from other communities that had successfully put language in place and it was working. He added that since there was no opposition you automatically assume its okay. Mr. Johnson added the reason for no opposition is that most people who own business are very busy and are working hard. Mr. Muri added that business owners need to be more engaged in the process. Mr. Cardono is curious why it took 7 pages to replace one page of the sign bylaw. He feels a lot of it is ambiguous and a lot was left out. Mr. Muri responded Mr. Cardono's concern by comparing this to requirements of a building inspector. They require something that is specific. They don't want vague regulations. It became the same for signs with regard to size etcetera in relation to the size of the building and so on. They came up with specifications with precise measurements that the building inspector could enforce. Mr. Cardono feels it went beyond that. He feels they left out various types of signs and listed several that were not considered. He added he could list 20 other kinds signs and noted that he "cut his teeth" in the sign business. He was a sign painter at age 14. He owned and operated several sign businesses in the past. He added that they did not ask for consultants with a sign background. He also offered his expertise at one point. Mr. Muri stated they actively solicited from the RBA. Mr. Cardono disagreed and stated he did not know about it until Mr. Johnson informed him. Mr. Cooper interjected by suggesting they go forward and welcomed Mr. Cardono's expertise. Mr. Cardono then stated that the word "Billboard" and "Outdoor Advertising" are mentioned several times in the bylaw language. He informed the board that any billboard that is off premise is not the Planning Boards jurisdiction...at all. It falls under the Massachusetts Outdoor Advertising Authority. A license is required and fees are collected for permits. Anything that is on the highway or any road that is not advertising what is on that land becomes outdoor advertising and is permitted by the state of Massachusetts. Mr. William Costa had a copy of the Massachusetts Outdoor Advertising Authority regulations which state they must go to the local zoning boards first. Mr. Cardono did not think that was correct as he was in the sign business for 30 years. He also mentioned swinging signs which are the oldest type of sign made. Mr. Cooper stated they should not get bogged down on the details now. They all agree that the bylaw is not passable in its current form and they need to re-work it. He asked that they all need to come up with suggestions to modify the bylaw to suit the needs of the business community and the residents of the town. Mr. Cardono feels the building inspector should have a good set of plans and if anything is questionable it should be stamped by an engineer before a permit is issued. Mr. Muri recommended that Mr. Cardono be one of the representatives that attend the upcoming sign bylaw workshop. Mr. Cooper added they are trying to put something together by fall of this year. There was no further discussion. Mr. Muri had one last piece of business to discuss regarding crossover with the Zoning Board of Appeals. They are in need of some administrative support. Anything that can be done to expedite that would be appreciated.

2. SunConnect – 297 Winthrop St. – Request for minor modification of SPA – Ms. Erica Buster, Project Manager with SunConnect and Mr. Sam Lyons of Cypress Creek Renewables were present. They are before the Planning Board tonight with two requests regarding Special Condition #5 that pertains to the changes with property ownership or project ownership on the Site Plan Approval. The first request is the property owner has changed the real estate vehicle from an LLC to a trust. It's the same property owner but they want to make sure it does not void the Site Plan Approval. If it does void the Site Plan Approval they would like to make a modification to that condition to allow for that change. The second request pertains to Cypress Creek. They are the buyer of the project. They are working on closing that sale. They asked for a waiver of Special Condition #5 so they can transfer ownership to Cypress Creek Renewables. Mr. Cooper noted that the Planning Board waived Special Condition #5 previously. The company at the time had to sign a document agreeing to abide by all conditions set forth in the original application and as amended throughout the application process as well. He added they are willing to do it as long as the applicant signs a document stating they will abide by the letter of the law with everything the previous company agreed to during Site Plan Approval. Mr. Cooper asked for the board's comments or questions. Mr. Costello wants to make sure that the new applicant has the same vision for what was presented by the previous applicant. He also added that they may need a new Pilot Agreement for the new applicant. Ms. Buster stated there is a clause in the Pilot Agreement that allows for the modifications and change of ownership. She added that Cypress Creek Renewables has all the application documentation and had a legal team go over the paperwork. Mr. Costello requested to see the new contract between SunConnect and Cypress Creek Renewables. Ms. Buster agreed. Mr. Costello suggested having Town Counsel draw up an agreement with SunConnect and the new buyer Cypress Creek Renewables. Mr. Cooper asked for comments from the audience. Mr. Muri noted they hold a couple of bonds with the owner of record and one is a short term landscaping bond and the new owner would be responsible for. There is also an abandonment bond that would also have to be transferred over. He also suggested that town counsel give the contract a second look with regard to Chapter 11 protection. Mr. Cooper asked for a motion. Mr. Costello motioned to waive Condition #5 with the exception of the document of legal owner. Mr. Michael Costa seconded the motion. Motion passed.

Old Business

1. Hydrogeological Assessment Regulations – update – This will be tabled to the next meeting as Mr. Bertozzi is not present.

2. Purchase of a new printer – Ms. Bradley spoke to Derek Russo and he is going to look into it.

3. Chapter 61A – 47 Spring St. – Right of First Refusal – Ms. Bradley stated this was on the agenda a few meetings ago. She asked for clarification. The lot shown is correct. The property line was voted on for the Form A. The dash line is the area he is taking out of 61A. She does not know what the reasoning for that is. It is not changing hands. Mr. Cooper stated they need an appraisal for the property.

NOT ON AGENDA

*Mr. Costello asked for funding for "Complete Streets" which was put together by the Lieutenant Governor. There is engineering money available up to \$50,000.00 to engineer a project. To do the project is up to \$500.00. There are only 3 communities in Massachusetts that have completed the process to apply for the grants. He added that the towns Master Plan can be implemented as well. Mr. Costello noted it is a 3 step process. He is completing step one. There is a course for step 2 and someone from the town has to take a course on June 16, 2017 at the SRPEDD office in Taunton. Mr. Costello cannot attend the course for step 2. Step 3 is actually applying for the grant. He is wondering if Ms. Bradley is willing to attend the step 2 course. She will check her calendar and let him know. Mr. Costello noted the grant is for all modes of transportation on our streets.

Minutes

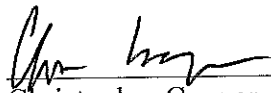
Invoices

Adjournment

Mr. Costello motioned to adjourn and go into Executive Session under MGL Chapter 39, Sec. 23B(3) to discuss strategy with respect to collective bargaining or litigation of an open meeting may have detrimental effect on the governments bargaining or litigating position. Also to conduct strategy sessions and preparations for negotiations for the non-union personnel to actively conduct collective bargaining and contract negotiations with non-union personnel.
at 8:25p.m.

Mr. William Costa seconded the motion. Motion passed. Roll call vote. All aye.
The meeting will reconvene for the purpose of adjournment only.

Respectfully Submitted,



Christopher Cooper, Chairman

Robert Moitozo, Vice-Chairman