

PLANNING BOARD  
148 Peck Street  
Rehoboth, MA 02769  
(508) 252-6891 Telephone  
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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  
July 19, 2017  
Town Offices  
148 Peck Street  
Rehoboth, MA 02769  
7:00 PM**

RECEIVED  
17 SEP - 7 AM 9:15  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

Present: Christopher Cooper, Robert Moitozo, Edward Bertozzi, William Costa, Michael Costello

Town Planner – Leeann Bradley

Absent: Tomas Ennis, Michael Costa

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

Form A

**Public Hearings**

1. Celray LLC - 496 Winthrop Street – Fournier – 17-01GWSP, 17-02SPA - Mr. Allen Shear and Mr. Ray Fournier were present. Mr. Cooper began by stating one of the questions they had was in regard to the recording of deeds historically on the property in terms of where things would fall in historic right of ways. Mr. Jay Tallerman responded via email this afternoon regarding the history of the deeds by stating, “I have no reason to dispute attorney McManus’ reasoning based upon the deeds”. He also noted that “the owners of the original sub-division lots may have rights to pass and repass over Miles Avenue. Under such circumstances, such other owners may also have limited rights to improve the way for such purposes. Given this premise, it is unclear to me whether the drainage infrastructure that is proposed is compatible with such rights. This would be a question for Attorney MacManus and the engineer to answer.” Mr. Fournier stated the only other owners on either side of the road that abut the property is himself, as he owns the property on both sides. Mr. Moitozo stated it’s the lots behind him that need access to the right of way. Mr. Fournier stated there are two other access points to the lots behind him. Winthrop Street is not the only access point. Mr. Fournier stated the property behind him on Broad Street has frontage on Broad Street. The abutter across the street has access through the Mills Plaza. Mr. Shear noted the infiltration is designed for the traffic load. Mr. Fournier addressed a lighting concern. He stated he will install recessed soffit lighting. He submitted a rendering to the Planning Board. All lighting will be directed downward.

Mr. Costello motioned to close the Public Hearing for the Ground Water Special Permit.

Mr. Bertozzi seconded the motion.

Roll call vote. All aye. Motion passed.

Mr. Costello motioned to close the Public Hearing for the Site Plan Approval.

Mr. William Costa seconded the motion.

Roll call vote. All aye. Motion passed.

Mr. Costello motioned to approve the Site Plan Approval and the Ground Water Special Permit.

Mr. William Costa seconded the motion.

Roll call vote. All aye. Motion passed.

#### New Business

##### 1. SunConnect – SOLAR – 297 Winthrop Street – Cypress Creek Renewables – Decommissioning Agreement and Surety – Discussion.

Mr. Cooper stated this project has been postponed until the August 2, 2017 meeting. They do not wish to move forward until the Town of Rehoboth and Cypress Creek have an agreed upon Pilot Agreement.

##### 2. Dumontier – 47 Spring Street – ROFR – Chapter 61 -

Mr. Costello motioned to recommend to the Board of Selectmen they not exercise their Right of First Refusal

Mr. William Costa seconded the motion. Motion passed.

#### Old Business

1. Hydrogeological Assessment Regulations – update from Ed Bertozzi – Mr. Cooper stated he received an email from Mr. Tallerman and Ms. Feoderoff. Mr. Bertozzi stated he reviewed the letter from Ms. Feoderoff and he also called her. Ms. Feoderoff and Mr. Bertozzi both agreed a meeting would be good. She will arrange that meeting soon and also invite Mr. Tallerman. Mr. Bertozzi stated the issue at hand is how to determine what the potential build-out is. How do you calculate that? It's not only what is proposed by the developer but what the potential is. Mr. Bertozzi feels this regulation needs more work. Ms. Feoderoff agreed. Mr. Bertozzi stated they did not change a lot. He feels that is good. He will go to Millis and have the meeting with Ms. Feoderoff and Mr. Tallerman and then report back to the board. The Board of Health will have the final say on the regulations. He also added that the town maps information being compiled by Roger Williams College in a digitized format is important. It shows in 3 dimensions information on the 1,200 wells and how deep they are, and where the bedrock is. He feels a substantial first step has been made with regard to what the water resources are in Rehoboth and how we are different from other towns. All the information Mr. Bertozzi has seen from Roger Williams College indicates that almost every well is being drilled over 100 feet down into bedrock. There is no aquifer to tap into. Based on that information, before a contractor builds a large development an expert will need to determine if there will be enough water and also no interference between wells and septic systems. He added it is a very complicated situation. He wants to work out a more complete statement of purpose. Mr. Costello asked how we regulate 40B projects and the fact that these would be the only projects in town that would utilize a public water source and septic supply. Mr. Bertozzi will discuss this with Ms. Feoderoff and Mr. Tallerman. Mr. Bertozzi emphasized that this proposed regulation cannot be targeted at 40B's. Everyone should be treated the same. Mr. Bertozzi stated the proposed regulation only applies to developments that would have their own individual wells and their own individual septic systems for each dwelling. If a developer states (as in Horton Estates) he will put in a public system that serves more than 15 units, it is considered a public system under state law. This proposed regulation will not apply. The benefit of having common wells is that it will be regulated by the Massachusetts DEP. The developer will work with DEP to make sure the system is designed right and works right. DEP has requirements that it be operated and tested regularly which makes it safer for residents. This proposed regulation

is aimed at projects the state will not be looking at and won't require testing. A large numbers of houses should raise the question of will there be enough water and will it be safe from septic systems. Mr. Costello noted the only snapshot they have is Horton Estates which maintains 62 houses running off one well which fills a 10,000 gallon tank and is tested every quarter. He added the association pays approximately \$50,000.00 per year to maintain the water quality. Mr. Bertozzi mentioned he recently rode through Horton Estates and it appears to be very well maintained. Mr. Costello agreed and hopes other developers will follow suit.

Mr. Bertozzi will meet with Ms. Feoderoff and Mr. Tallerman and then report back to the Planning Board. He will also be in touch with Ms. Rachel Smith from the Board of Health and invite her to the meeting.

Mr. Costello motioned to allow Mr. Bertozzi to meet with Ms. Feoderoff and Mr. Tallerman.

Mr. William Costa seconded the motion. Motion passed.

#### Not on Agenda:

1. Mr. William Costa gave an update to the Town Maps Committee. A general discussion took place regarding the problems with the maps. He stated they had support from Roger Williams University creating a base map for the town. They are still trying to secure the license to use that information. Mr. Costa went on to say the second part is to look at how they issue or assemble data for permits. It is on paper now and they suggest an on-line program that can be filled in. They could then secure the data as a backup of information for a map system. He added there are a lot of drawings that can be digitized. He also noted he has a meeting on Monday with Bill Napolitano of SRPEDD to go over the possibilities of using their services. Mr. Costello stated they are allowed 20 hours of service from SRPEDD each year and that the selectmen have 20 hours as well and usually gives those hours to the Planning Board. Mr. Costa wants to take small steps as they go forward so everyone understands what he is doing. He gave Town Administrator, Helen Dennen a report from Roger Williams and she scanned it into the town computer system.

2. Mr. Cooper noted he had a Notice from SunEdison submitting a formal notice of bankruptcy. Ms. Bradley received the notice from Helen Dennen as well. Mr. Bertozzi stated this is highly technical information and should be forwarded to Town Counsel and the Board of Selectmen. Mr. Bertozzi reviewed the letter of bankruptcy which lists all the debtors. The debtors have filed a plan of reorganization which includes a disclosure statement. It is then sent to all the creditors. The bankruptcy court approved the adequacy of the disclosure statement. The court will then set certain key dates for hearings and voting on the plan. There will be a confirmation hearing on whether or not the plan should be approved. He feels they will get approved as they have been in bankruptcy for a year. The order that approves the plan will discharge all the debts of the debtor except for what is provided in the plan. If the plan says everybody gets 10 cents on the dollar, that's all the debtor will owe. The other 90% will be forgiven. There will be an injunction stating that claimants/creditors cannot bring forth any lawsuits, exercise liens etcetera, to try to collect that other 90%. Mr. Bertozzi does not know if the town filed a proof of claim. He does not know what classification the town is in. He is confident Town Counsel will take care of this. Mr. Cooper asked if this bankruptcy absolves them from future Pilot payments. Mr. Bertozzi did not know. Mr. Cooper added that someone is still making money on this project as it is still running. Mr. Costello stated the landowner still pays taxes on the land, not the equipment, and the Pilot Agreement is totally separate. Mr. Costello feels they need more teeth in their solar bylaw. Mr. Cooper agreed. There was no further discussion.

3. Mr. Cooper announced that the first Sign Bylaw Sub-Committee Meeting is scheduled for Thursday, July 27, 2017 at 7:00pm at the town hall. He added that he and Mr. Bertozzi and also Michael Costa are required to attend as well as members of the Rehoboth Business Association. This is a public meeting so anyone else interested is encouraged to attend to learn more. Mr. Costello asked Mr. Cooper if he was planning on attending the Board of Selectmen's meeting regarding a sign request for Souza Family Farm. Mr. Cooper stated he was planning on attending. He did not have all the details but understands that a business in town wants to place a sign on public property that advertises the location of their farm. He added that since the Planning Board oversees signs in general, a request was made to him and anyone else on the Planning Board interested in attending. He asked the board for their input. Mr. Cooper also added there is nothing that specifically prohibits this but since it is the towns land they may be opening themselves up for similar requests from other businesses. Mr. Bertozzi stated if it is an issue of how the Zoning Bylaw applies then the Zoning Enforcement Officer needs to step in and he then reports to the Zoning Board. He added they are currently working on the Sign Bylaws and it is currently in a state of flux. He suggests that the Planning Board should think about things the Selectmen should consider. He also added that whatever is done for one person will have to be done for everybody. The board agreed. He feels this is a very important decision. Mr. Bertozzi also noted that the town does rent property from time to time to businesses. However he does not want to see billboards on public property all over town. This is detrimental to home values. The board agreed. Mr. Cooper stated he will be attending the meeting and Mr. Costello indicated he would also be there on behalf of the Highway Department.

4. Mr. Costello mentioned that he had received correspondence on the Marijuana Policy Conference from the state. They have come up with some guidelines. Local communities have some leeway on imposing a bylaw ordinance. They could possibly receive some tax money up to 3% as well. They also came up with language regarding the number of dispensaries allowed and how that could be done. They could allow one dispensary in town or 20% of the alcohol licenses issued for all non-drinking establishments in town, or 20% of all medical facility licenses issued in town.

Minutes

Invoices

1. Fuss & O'Neill – Eastwood Estates - \$944.77 –

Mr. Costello motioned to submit payment to Fuss & O'Neill.

Mr. William Costa seconded the motion. Motion passed.

Respectfully Submitted,

  
Christopher Cooper, Chairman

  
Robert Moitozo, Vice-Chairman