

PLANNING BOARD
148 Peck Street
Rehoboth, MA 02769
(508) 252-6891 Telephone
(508) 252-5342 Facsimile



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

Meeting Minutes
October 18, 2017
Town Offices
148 Peck Street
Rehoboth, MA 02769
7:00 PM

RECEIVED
18 FEB 12 AM 9:17
OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Present: Christopher Cooper, Robert Moitozo, Edward Bertozzi, Tomas Ennis, William Costa Sr., Michael Costa, Michael Costello

Town Planner – Leeann Bradley

Absent:

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

****Not on Agenda:** Mr. Costello informed the board he made a visit to The Preserve and noted that it is being prepared for top coat. He added there are some areas there that need to be replaced. There is a section on Brook Street he had the developer repair as well. Mr. Cooper found it very helpful that Mr. Costello was involved with the developer during the inspection phase. Mr. Cooper asked for a motion to approve Fuss & O'Neill for the work they have done thus far for Idlewoods Estates.

Mr. Ennis made the motion.

Mr. William Costa seconded the motion. Motion passed.

Form A

1. Eileen Rushing – 210 Tremont St. – 17-10A - Waiver of time granted. Continued until the applicant has received a Special Permit from ZBA. Mr. Cooper stated they did not have a quorum at the last meeting and could not grant a time waiver without a quorum. Mr. Moitozo noted there are two dwellings on one parcel and they can't approve that.

Public Hearings

1. Zoning Bylaw Amendment

a. Article 4.11 – Natural Gas Compressor Stations

Mr. Costello motioned to open the public hearing.

Mr. William Costa Sr. seconded the motion.

Roll call vote. All aye.

Mr. Cooper began by stating that the Planning Boards role is to be the vehicle to hold this public hearing. Residents can ask questions along with the Planning Board. He noted that they cannot make changes to the bylaws as it stands now. Any changes must be made at the town meeting. He then invited audience members to come forward.

Attorney, Mr. Brian Hatch came forward as a representative of CARCS. He is responsible for drafting the by-laws that the planning board had before them. He drafted the article by conducting researched. He researched how other towns throughout the country in similar situations involving natural gas and other forms of energy handled the situation. He also looked at state facilities or boards and how they handled the situation as well. He also looked at the Rehoboth by-laws as they stand now since there were sections on wind energy and solar energy. He stated that safety considerations for the residents of Rehoboth are paramount in constructing bylaws like this. There are infrastructures which might harm residents or the environment. Mr. Hatch also looked at court cases involving pipelines going up the east coast and other areas and noted they do look at local input. He added that everyone thinks that FERC has the absolute say, and ultimately they probably do. However, there have been court cases which have limited their powers because they haven't considered enough input from the state level. It is a legal requirement for FERC to consider input from anyone and the court will oversee that to ensure they get that input. This town can provide that input through the bylaws. He is urging the town to be interveners in this process when it gets to that. He added that yes, it is on hold for now but this company will be back and will get involved in putting the compressor station in. Right now they are looking at input by a town that is very concerned about the safety of its residents as well as the environment.

Mr. Costello stated that FERC is not required to obtain a special permit through the Planning Board which is a big problem. He added that FERC is not required to abide by any of the regulations or bylaws established in our town. Mr. Costello stated that unless FERC is required to go through local boards and committees they have no teeth in this process. He doesn't feel they should be in a residential area at all. He applauded CARCS for putting so much effort into trying to stop them. He wishes FERC had to go before the Zoning Board. They would not be able to go forward in the location they have chosen as it is a residential area. He feels it is an industrial entity.

Mr. Bertozzi stated the way the bylaw is drafted its part of a zoning law. It states that Natural Gas Compressor Stations are required to obtain a special permit from the Planning Board. It makes the Planning Board the special permit granting authority. He then added it is set up as though the town can require the developer of the Natural Gas Compressor station to come before the Planning Board to obtain a special permit. Mr. Bertozzi asked if this bylaw is enforceable. Mr. Hatch feels they do need to come before the Planning Board and meet their requirements. He added that there are a lot of requirements and complex procedures to get FERC's approval of their projects. He also stated that FERC is required to hold public hearings. It's in their regulations and they will follow those instructions closely. He also noted that Paul Heroux who is a State Rep from Attleboro has a bill before the legislature which gives towns and municipalities more say at the local level. He has urged the governor to look at this and support Paul Heroux's bill.

Mr. Moitozo asked a few questions. He asked if the 55dba is the same as required in the zoning bylaw. Mr. Bertozzi read the somewhat confusions bylaw information but found the dba level cannot exceed the level 85dba. Mr. Moitozo also asked about ensuring the protection of agricultural livestock from potential noise and chemical exposure. He has concerns since the Planning Board will be the ones issuing permits. He added that guidelines are needed to enforce the protection of livestock. What is written now is vague. Mr. Costello stated that projects in the past have been held up due to different interpretations of bylaws.

Mr. Bertozzi brought up a Comprehensive Health Impact Assessment to help identify potential health threats. An independent health and safety expert can identify and evaluate potential short

and long term human health impacts. He does not see language as to who is funding this assessment or who chooses the independent consultant.

Mr. Cooper and Mr. Costello feel the bylaw should be crafted stipulating any applicant has to come before the Planning Board for approval. This should allow the Planning Board to secure an independent consultant of their choosing that the applicant will pay for.

Mr. Cooper asked for input from the audience.

Ms. Tracy Manzella came forward with a few concerns regarding the ability to actually make changes to the bylaws at the Town Meeting. Can extensive changes be made on the floor? Mr. Costello assured her she could with the approval of the moderator. It has to be in writing. Only the amendments need to be drafted stipulating the language that is being amended. There was no further discussion.

Mr. William Costa Sr. motioned to close the public hearing

Mr. Ennis seconded the motion. Motion passed.

Roll call vote. All aye.

New Business

Old Business

1. Rezoning subcommittee – discussion – Mr. Scott Douglass was not present. This matter will be addressed at the next meeting on November 1, 2017.

Minutes

Invoices

1. Fuss & O'Neill – Eastwood Estates - \$2,378.73

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

Mr. William Costa Sr. seconded the motion. Motion passed.

2. Fuss & O'Neill – Idlewood Estates - \$367.89

Mr. William Costa Sr. motioned to submit payment.

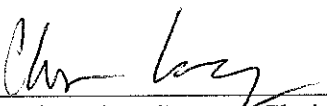
Mr. Michael Costa seconded the motion. Motion passed.

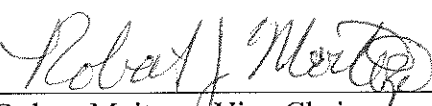
Adjournment

Mr. Ennis motioned to adjourn at 8:20pm

Mr. Costello seconded the motion. Motion passed.

Respectfully Submitted


Christopher Cooper, Chairman


Robert Moitozo, Vice-Chairman