

PLANNING BOARD  
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Christopher Cooper, Chairman  
Robert Moitozo, Vice Chair  
Edward Bertozzi  
Tomas Ennis  
William Costa Sr.  
Jake Kramer  
Tish Vadnais  
Lynne Ferreira, Assoc. Mbr.  
Daniel Roach, Town Planner

**Meeting Minutes  
November 4, 2020  
Remote Meeting  
7:00 PM**

Present: Christopher Cooper, Robert Moitozo, Edward Bertozzi, Tomas Ennis, William Costa Sr., Tish Vadnais, Lynne Ferreira, Associate Member, and Daniel Roach, Town Planner.

Absent: Jake Kramer

Mr. Cooper began the meeting with the Pledge of allegiance at 7:01p.m.

**Form A**

**1. Ablatecola – Homestead Ave – 20-17A**

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

The board and Mr. Andrade discussed the plans.

Mr. Costa seconded the motion. Roll call vote; all replied aye. Motion passes.

**2. Costa – Homestead Ave – 20-18A**

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

The board and Mr. Andrade discussed the plans.

Mr. Moitozo made a motion to endorse the plan.

Mr. Ennis seconded the motion. Roll call vote; all replied aye. Motion passes.

**New Business**

**1. Retreat Lot – 41 Dean Street – Discussion**

Mr. Paul Costello from Bridgewater was present.

Mr. Costello presented the plan and explained the issue of the retreat lot.

The board discussed the issue with Mr. Costello and provided input.

Mr. Costello explained that the owner is willing to place a restriction on the lot so there could not be any more development on the property even if it is not a retreat lot.

**Public Hearings**

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

Mr. Steve Gioiosa of SiTec Engineering was present.

Mr. Cooper discussed the major concerns brought up by abutters at the last meeting and went over Planning Board or Mr. Gioiosa's comments to those concerns.

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REHOBOTH, MA

Mr. Gioiosa stated that there is a member of the board absent and he wanted a full board present before he provided any new testimony. This is to ensure that the entire board would be able to vote on the project. Requested a continuance until next meeting.

Mr. Bertozzi stated that this is a valid concern because Mr. Kramer had been important to the process regarding landscaping. He also explained that he had gone out to the site to look at sight lines from the Haskell's home and what he found.

Mr. Roach stated that he and Mr. Kramer had also been out to the site to view the sight line as well. He explained what they saw.

Ms. Vadnais stated that she felt that from what everyone has explained that the Haskell's would see the solar arrays from their house. Asked if they were going to be looking at a fence?

Mr. Cooper stated yes, they would be. He explained that he had also visited the site and explained what he saw. In regard to the sight line, he felt that the sight line proposed on the plans was accurate.

Mr. Costa visited that site and explained what he saw.

Mr. Gioiosa stated that he did not want to respond at this time again because there was not a full board. He recommended that other members of the board also go out and look at the site.

Mr. Brant Tinkham of 6 Marshal Way was present.

Mr. Tinkham stated to Mr. Gioiosa that last meeting, Mr. Gioiosa spoke about the sight line and where it was located. Mr. Tinkham felt that the sight line was inaccurate. He stated that everyone on the street would see the solar array because of this.

Mr. Gioiosa stated that he would take the information and provide a response at the next meeting.

Mr. Tinkham stated that the line of sight needs to be higher than 5 feet.

Mr. Bertozzi stated that he would be willing to visit the houses on the street that feel they would see the solar arrays from their houses. Asked that people provide their information to Mr. Roach. He also suggested that they take pictures from their second-floor windows. Stated we should reach a point where we all agree on what we can see.

Ms. Stacy Haskell from 101 Pond Street was present.

Ms. Haskell spoke in regards to the line of sight and that she will be able to see the solar arrays.

Mr. Chris Seal of 5 Marshal Way was present.

Mr. Seal stated that a new plan would be needed to be sent to Fish & Game if the plan was revised. The plan, if revised, would also need to be resubmitted to NESAC. He asked if he was correct in stating that no vote should be taken until this occurs?

Mr. Cooper stated that he was not sure if Mr. Seal was correct.

Mr. Seal stated that he had spoken to Fish & Game and they told him that even if there is a minor change to the plan it would need to be resubmitted.

Mr. Roach explained that the NESAC filing is done by a state agency. As far as Conservation, if the plan hasn't changed within the Conservation Commission's jurisdiction that applicant would not need to refile with them.

Mr. Seal stated that his questions was if the plans drastically change.

Mr. Roach stated if there was an increased impact then the applicant would have to refile with the Conservation Commission.

Mr. Cooper stated that Mr. Gioiosa would be better suited to answer that question.

Mr. Gioiosa stated that his response would not be new testimony. If there is a change to the plan that effect a jurisdictional area we would be going back to the appropriate agency, either local or state.

Mr. Seal asked if the board could vote if the applicant has to do that?

Mr. Gioiosa stated that the action of one board is not tied to the other. The boards act independently.

Mr. Cooper explained that the Planning Board does not depend on the approval of other board in terms of when the board votes. The board relies on whether it fits the merits of planning.

Mr. Seal asked if the applicant was funded by or connected in any way to the Solar Massachusetts Renewal Target program?

Mr. Gioiosa stated that he could not answer that question. He would get an answer to the question for the

next meeting.

Ms. Rachel Bauman – Echlin of 122 Pond Street was present.

Ms. Bauman – Echlin asked if there was a reason that we don't have a third-party assessor who would be consulted relative to the property value assessment?

Mr. Cooper stated that the board could put that towards the applicant to see if they can find additional information in that area. We can also reach out to our own engineer and ask if they have any additional information. He explained that just because this is a Special Permit it does not give the board the ability to ask whatever they want. We are not saying that we are not going to ask anything else of the applicant. We are just being reasonable. We are not trying to rush through the process and we are making sure that people's concerns are heard. The board wants to make sure they are doing this correctly.

Mr. Albert St Louis of 105 Pond Street was present.

Mr. St Louis stated that he would also be able to see the solar arrays from his home. He felt that his neighbors would also see the solar arrays.

Mr. Cooper stated that this is a valid concern. Mr. Gioiosa will need to address it.

Ms. Bauman – Echlin stated that she would be concerned with information regarding a property value assessment would be bias. She felt that the board was not going to ask the applicant is not willing to make any further request to increase the set back of the project.

Mr. Cooper stated that is not what he was trying to say. The board is going to request anything necessary to make sure that the law surrounding the solar arrays is met. If you think you are going to see this from your house, the board is going to make sure that you do not. The board has to consider what is reasonable request. He was not saying that this is or is not a reasonable request.

Mr. Gioiosa stated he would address this at the future meeting.

Mr. St Louis stated that Pond Street goes uphill.

Mr. Cooper stated that he agreed.

Mr. Paulo Baptista of 119 Pond Street was present.

Mr. Baptista stated regarding the lighting at night. Asked what kind of lights will be on the property?

Mr. Gioiosa stated that there are no lights on the property at all.

Mr. Baptista asked for a summary of the operation and maintenance plan?

Mr. Gioiosa stated that he would answer that at the next meeting.

Mr. Baptista stated that Ms. Echlin spoke about property values. He read in the solar bylaw that the Planning Board has the right to hire independent consultants. This should be considered.

Mr. Cooper stated that this is something that the board will consider. We will get an answer to this.

Mr. Baptista asked about the priority habitat that shows up on a map that he had used.

Mr. Roach stated that the filing with the Mass. Endangered Species is for this purpose.

Mr. Baptista asked how much money was in the bond for when the project is at end of life?

Mr. Roach stated that the decommissioning bond amount is determined by the peer review engineer and it was for \$45,000.00.

Mr. Baptista felt this was a low amount.

Mr. Moitozo explained that the value of the materials was included in the estimate.

Mr. Baptista asked if the entire project would have a stockade fence or would there be areas with a chain-link fence?

Mr. Gioiosa stated that the fence is stocked along Wilmarth Bridge Road and Pond Street, the back part of the property is a metal fence.

Mr. Baptista stated he had a concern with that. When you drive down Wilmarth Bridge Road going from route 44 onto Pond Street you will see the panels.

Mr. Seal stated that URI had done a study on property values concerning this. It is about solar arrays built in deforested, residential neighborhoods. There is evidence that there is a negative impact on property values.

Mr. Cooper stated that is a good piece of information. We will be asking our engineer to look into this in more detail so we have a better answer for the people concerned.

Mr. Seal stated that the board had stated that the reason they wanted to have this project in town was for tax revenue. If the property values decrease doesn't that offset the gain that would be made?

Mr. Cooper stated that this is not something the board is for or against. The board did not create the bylaw, we just determine whether the applicant meets the merits of it. This is a debate that is outside the Planning Board's jurisdiction.

Mr. Seal stated that the bylaw states that it doesn't have to be approved based on the welfare of the neighborhood.

Mr. Cooper asked if there were any more questions? There were none.

## **New Business**

### **1. Veader Estates – Bond Reduction**

Mr. Cooper stated that the owner of the property had contacted him to let him know that everything is complete. Asked Mr. Roach what was the amount the Fuss & O'Neil suggested we reduce the bond to?

Mr. Roach stated \$151,345.00.

Mr. Ennis stated they are proposing a bond of \$151,00.00.

Mr. Cooper stated correct.

Mr. Ennis stated that it would be a line of credit.

Mr. Cooper stated that the letter of credit is in excess of what the bond reduction amount is. He recommended to reduce the bond to \$155,000.00 because that is what the letter of credit is for.

Ms. Vadnais made a motion to accept the bond reduction to \$155,000.00.

Mr. Ennis seconded the motion. Roll call vote; all replied aye. Motion passes.

### **2. 242 Anawan Street – Discussion**

Mr. Roach stated the he and Mr. Bertozzi were working on a letter. They are still working on it.

Mr. Bertozzi stated that he had been doing some research. He had come across a pamphlet that talks about the increase in town revenue due to solar fields. He gave the reasons why the solar bylaw was posted.

### **3. Subdivision Control Law – Additions – Discussion**

Mr. Bertozzi stated that the issue that the board had been discussing is the 100-year storm. He contacted Mr. Sean Martin at Fuss & O'Neil regarding this. Mr. Bertozzi read the letter he had sent to Mr. Martin. Mr. Martin suggested that there be some changes to the Subdivision Control Law regarding this issue. The board should refer to the Massachusetts Stormwater Handbook. Stated that this should be discussed with the Stormwater Officer, Highway Superintendent, and any other board that may be involved with these changes.

Mr. Moitozo stated that anytime a board refers to an existing standard instead of trying to paraphrase it in the Subdivision Control Laws it is a benefit.

### **5. Planner Update**

Mr. Roach stated there was no update. Did ask the board if they wanted to meet with him on Sunday to review the post that have been put up on Pond Street that he was available on Sunday.

The board discussed this.

### **6. SRPEDD**

Mr. Costa gave the board information on an upcoming study that SRPEDD will be conducting. The next SRPEDD meeting is on December 9, 2020.

Mr. Bertozzi spoke in regards to an impact study that had been conducted in town. The study was on the return of investment on open space.

Mr. Costa spoke in regards to an analysis he had done on new building in town and the effects it had on the town budget. Asked if this is a project the board would be interested in doing? He volunteered to chair the project.

The board agreed that the analysis should be done.

**Adjournment**

Mr. Costa made a motion to adjourn at 9:20 pm

Mr. Ennis seconded the motion. Roll call vote; all replied aye. Motion passes.

Respectfully Submitted



~~William Costa, Sr., Chairman~~

Patrick Landry

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Jake Kramer, Vice-Chairman