

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
Michael Costa
Michael Costello
Leeann Bradley – Town Planner

**Meeting Minutes
May 3, 2017
Town Offices
148 Peck Street
Rehoboth, MA 02769
7:00 PM**

Present: Christopher Cooper, Edward Bertozzi, Tomas Ennis, William Costa, Michael Costa, Michael Costello

Town Planner – Leeann Bradley

Absent: Robert Moitozo

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

****Town Meeting Zoning Article – Discussion** – Mr. Jim Muri was present at Mr. Cooper's request to discuss baseline environmental testing under Site Plan Approvals initiated by compressor stations. Mr. Muri stated it was determined in conjunction with town counsel that the best way to do this is by crafting a bylaw that would give more "teeth" to the Planning Board in their Site Plan Approval process and would essentially allow them to conduct pre-condition testing. He feels it could be extremely useful for businesses that could be noisy or create gas emission or potentially conduct soil testing to verify the post-condition is no worse than the pre-condition. That is the purpose of the bylaw and the Planning Board would be the municipal entity to represent the town's interests. Mr. Cooper agrees with the necessity of the bylaw and feels it's important. It's hard to tell what a reasonable line is. Mr. Muri stated this was discussed and it's really up to the Planning Board to determine the level of scrutiny. He added the technical expertise needed to conduct such testing falls under the Planning Boards ability to request an engineer to represent their best interest at the expense of the applicant. This would be similar to hiring a review engineer for subdivisions. Mr. Muri also added that the building inspector cannot issue a building permit until they have Site Plan Approval. Mr. Bertozzi wants to understand how the proposed bylaw works. The current zoning bylaw already gives the Building Inspector/Zoning Officer the ability to issue a cease and desist. He asked Mr. Muri why they want to give the Planning Board co-authority to be co-equal with the Building Inspector. Mr. Bertozzi does not want a situation where the Building Inspector states something is fine and the Planning Board says it's not. He added that when looking at the proposed amendment it will be clearer that the applicant demonstrate to the Planning Board through the Site Plan Approval process the environment will be protected from noise, pollutants and so on. Mr. Muri feels the language is broad, however he feels it's beneficial for the town and the Planning Board. Mr. Bertozzi understood. Mr. Costello feels more amendments will

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be made in the future to make it more specific. Mr. Muri suggested the board adopt a guideline as to how they deal with individual situations. There was no further discussion.

Form A

Public Hearings

Mr. Costello motioned to open the Public Hearing.

Mr. Bertozzi seconded the motion. Motion passed.

Roll call vote. All aye.

1. Definitive Subdivision – Reposa Estates – off 237 Plain Street – 17-01C – Mr. Rob Davis of Insite Engineering Services was present on behalf of the applicant, Ryan DuVally for the Reposa Estates Definitive Sub-Division plans on Pine Street. The sub-division project was originally designed and approved with the residential building lots on a very similar roadway layout in 2007. The primary difference in the current design is the incorporation of the new storm water management initiatives. They will achieve a zero net increase for flood control and maintain water quality standards as required. The 27 acre parcel proposes the creation of 11 single family home sites on a roadway that will be designed and constructed in accordance with the Rehoboth Sub-Division Control laws. The 2,200 foot roadway will provide a minimum of 200' of frontage and 60,000 s.f. per building lot. There are 2 accesses from Pine Street via Ryan's Way to the south and Alexander Drive to the north. There will be a greenway entrance to the sub-division. Several other design initiatives have been incorporated throughout the project to alleviate environmental impacts on the property while creating a rural setting for new homes in town. A full 50' wide layout for the new road has been provided. The terrain of the existing site is moderately sloped to the East with meadow areas beyond the access roads. The rear portion of the land consists is wooded with an intermittent stream running in a southerly direction at the rear of the home sites. An ANRAD has been filed and approved by the Conservation Commission which delineates the protectable wetland resources as shown on the property. No road construction will fall within the 100' buffer zone of the protected wetlands. Installation of the storm water management facility will be in the jurisdiction of the Conservation Commission and a Notice of Intent has been filed concurrently with this definitive subdivision plan. The drainage for the sub-division plan has been designed to accommodate a 50 year design storm as required by the town of Rehoboth for a new sub-division. All drainage will be collected in small sub-water sheds and directed to the wetlands after achieving the zero net increase. Best Management Practices (BMP's) will be employed in accordance with the Mass Storm Water Management Handbook to assure no increase in runoff and water quality standards are met. The contributing drainage area is approximately 23 acres. A storm water management plan has been prepared which assigns BMP's to appropriately handle pollution, sedimentation and recharge and have a positive effect on water quality by removing at least 80% of the total suspended solids. The discharge is directed in to wetlands bordering the intermittent stream. No flooding impacts based on a 100 year storm event are anticipated. Soil logs and percolation testing has been performed and witnessed by the Board of Health on each lot. Additional testing may be completed as house lots are developed. No gravel removal is anticipated as described to the Gravel Committee on May 1, 2017. The applicant, Mr. DuVally is hopeful to address any concerns the Planning Board may have and get a positive response to this sub-division design plan. Mr. Davis informed the Planning Board he will be happy to address any questions they may have. Mr. Ennis asked Mr. Davis who would be responsible for maintaining the median on Ryan's Way? Mr. Davis stated it is a way to enhance the entrance of the sub-division and he believes it is the responsibility of the town to maintain the median. Mr. Costello had concerns with the island stating the plow drivers will take out the island in the first snow storm. He feels it should

be eliminated and asked the board for their support on this matter. He added plowing and icing are problems on a super elevated road and he is curious how this is handled in other towns. Mr. Davis stated that this method has been used on Linden Lane, Willow Way and Primrose Lane. It is becoming more popular and the state looks favorably on it. He has 8 or 9 subdivisions in Seekonk with the same designs. There have been no complaints about a shaded snowbank that melts that creates a flooding/icing on the high side of a super elevated road. He urged Mr. Costello to contact other High Superintendents for their input. Mr. Costello asked if easements would be part of the deeds. Mr. Davis confirmed that as correct. Mr. Costello again brought up the elimination of the median and to just pave over it. Unless good neighbors take it upon themselves to maintain the median it could turn into a "wasteland" and he suggests paving over it. This will eliminate the maintenance and phone calls to his office from residents asking who maintains the median. This will also allow his plows to do a better job as well. Mr. Bertozzi feels no median is not in keeping with the rural nature of Rehoboth. He noted the better sub-divisions have some very nice areas in the turnarounds. The property is more valuable as a result of that. Mr. Costello noted that other subdivisions have pavers in the circle and it looks nicer and also defines the roadway. Mr. DuVally was agreeable to the idea of pavers instead of a median and will come up with some ideas for the next meeting. Ms. Bradley noted that this project has been sent to Fuss & O'Neill for a peer review for both Planning and Conservation. Mr. Costello asked the board to authorize him to be the inspector of the subdivision and he would report back to the board with his findings regarding drainage and roadways. An engineer would still conduct the review. He added this is done in other towns where the Highway Superintendent also does inspections along with the engineer. Mr. Bertozzi feels in order to get it done right, the detail of the structures must be absolutely clear. He hopes Mr. Costello will look closely at that. He respects Mr. Costello's expertise in this area. Once the requirements are clear then it's an enforcement issue. Mr. Bertozzi clarified Mr. Costello's request to the board as, when the contractor is about to put the drainage in and wants an inspection of it, he is to call Mr. Costello. Mr. Costello agreed and added he wants to make sure there is stone under the pipe and the compaction is correct. He wants to be sure the backfilling is done correctly and no large boulders are on top of the pipe. When the catch basin covers go on he wants to make sure they are done with sewer brick and so on. Mr. Ennis feels Mr. Costello and the engineer should make the inspection together. If there are disagreements with the drainage they can be discussed. Mr. Costello wonders who the contractor should listen to if he and the engineer do not agree. He added the contractor will go with the option of least financial burden. Ms. Bradley feels if there is a discrepancy they should come back to the board. The Planning Board agreed. Mr. DuVally weighed in stating that from experience that it's irrelevant who inspects it to ensure it's done properly. It would be extremely problematic from a development standpoint to have two different people to answer to that might have differing opinions on an interpretation. He is not talking about a deviation of the plan. They want approval to move on to the next step. If they have to wait 2 weeks for a meeting to move on to the next step it doesn't seem to connect with the way the process should work. He feels it should be one clear individual who does it. Ms. Bradley added she liked Mr. Costello's idea and doesn't see why the engineer and Mr. Costello would not work together. Mr. Ennis stated that is what Fuss and O'Neill are being paid for. Mr. Costello added that they have been proven wrong in the past and he can tell right away if the engineer is serious or not. Ms. Bradley added that it can be part of the Order of Conditions that during the inspections the developer needs to contact Mr. Costello as well as the engineer. Mr. Davis weighed in stating it is very common to have two separate, discreet contracts. One for the peer review design and a separate contract for the inspection only. Whether the developer pays Fuss and O'Neill or another consultant or the town really doesn't matter to him or a developer. The monies would come to the town rather than an outside consultant. Ms. Bradley added that the engineer that conducts the review is usually the one who conducts the inspection. Mr. Davis stated that is true but not for

every town. It can create problems when you have different consultants conduct the review and a different company conducts the inspections. Mr. Davis also added that his experience working with Mr. Costello when he was the Storm Water Management Agent was good. They worked on several projects together and they worked well together. Mr. Costello knows that Insite Engineering is easy to work with and when they are asked to do something they do it. They have a respect for Mr. Costello's opinion and construction expertise to do what he asks. He is in favor of that from his perspective. Mr. Costello is confident he could work with the inspector and come to an agreement if necessary. He wants to be contacted when an inspections is conducted. Mr. Bertozzi motioned to advise Mr. Costello of all the different inspections so he can attend the inspections.

Mr. Ennis seconded the motion. Mr. Costello abstained. Motion passed.

Ms. Bradley mentioned to Mr. Davis that the erosion control was going through the wetlands in a couple of areas. Mr. Bertozzi noticed on the O&M plan it's stated that sediment fore bays shall be inspected monthly in growing and non-growing seasons and infiltration basins are to be inspected twice per year. Mr. Costello stated he has not come across one infiltration basin failing due to lack of maintenance. Mr. Bertozzi noted the lots to the east of Alexander Drive are very close to the wetlands and a large portion appears to be wetlands. Ms. Bradley noted it's the drainage that is very close and quite a few of the houses will have drainage on their lots. Mr. Costello inquired if there is language in the deeds regarding drainage issues. Mr. Davis stated there is a narrative that follows the Storm Water Management and Erosion Control plan. The O&M plan is referenced in the deed and a copy can be recorded concurrently with the deed stating if the property owner has an easement on their property they are responsible for the maintenance of the easement. Mr. DuVally stated he will make sure the property owners are aware of what they can and can't do. Mr. Ennis understood the narrative as stating it's the homeowner who needs to maintain the easement however, Mr. Costello said "no...not to touch them". Mr. Costello stated there is a narrative in the deeds stating they cannot dump anything in there and Mr. Davis confirmed that information will be part of the deeds. Property abutter, Karen Cowell of 225 Pint Street had a few concerns. Her property is next to where they are building the road. She asked if all the trees and brush get cleared when they come in. Mr. Davis confirmed it is a wooded area within a 50' right of way up to Pine Street. It is a wooded area for the entrance to the North side for Alexander Drive. Ms. Bradley asked to have the layer darker on the plans. Mr. Davis agreed. He assured Ms. Cowell he will not disturb the stone wall on her property and trees along the stone wall will be preserved. Mr. Davis stated they would need to clear at least 40 feet and then bring it to the appropriate grade. He also noted they will meet with the tree warden after the road is built and plant new trees along the roadway at approximately 60 or 80 feet apart. Mr. Costello asked Mr. Davis to revise the plans to show the tree line layer as well as the existing and proposed tree line. Mr. Davis agreed. Abutter, Mr. Doug Materne came forward with concerns regarding the next phase of development beyond Lot 12, Map 37, Lot 003 which is a fragile wetland area. Mr. Costello assured Mr. Materne that if the applicant has proposed future plans for the lot he would need approval from the Planning Board first. Mr. Materne had no other questions.

Mr. Costello motioned to continue the Public Hearing to the next meeting on May 17, 2017.

Mr. Ennis seconded the motion. Motion passed.

Mr. Davis had a question for the board. He asked that assuming the consultant will be doing their review; he requested that he postpone the next hearing until he's received some meaningful feedback from the consultant and he's had the opportunity to respond. Mr. Bradley agreed. She added that as soon as she receives the review she will forward it to Mr. Davis and Mr. DuVally.

New Business

1. Purchase of New Printer - Ms. Bradley noted there was an air quality report distributed to the board in their packets. The reports recommends that she get a new printer as the one she currently has emits toner dust in her office. She wants to look into getting a color printer. She will talk to Derek after the new fiscal year. She will get back to the Planning Board.

Old Business

1. Hydrogeological Assessment Regulations – update – Mr. Bertozzi noted the most important thing is Mr. Ennis spoke to a GIS expert at his place of work. He indicated that ARC GIS and other GIS systems should be able to take a grid and draw a buffer zone around each intersection point and sum all wells/septic systems being studied. This is very helpful information. Depending on the skill and level of the ARC GIS analyst, it should take a day or two to complete this type of study. The analyst would need to input the location of the wells and septic systems and input a grid based on the size required by the by-law and then write a short code or query that creates a buffer zone, which is a circle with the radius required by the by-law, at each intersection within the grid. He would then total the number of the wells and septic systems existing within each of the buffer zones. This information will be sent on to Bette Dyer at the Board of Health. Mr. Ennis believes that the initial study would be a few thousand dollars at most.

Minutes

Invoices

Adjournment

Mr. Costello motioned to adjourn at 8:32p.m.

Mr. Bertozzi seconded the motion. Motion passed.

Respectfully Submitted,



Christopher Cooper, Chairman

Robert Moitozo, Vice-Chairman