

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



James Muri, Chairman
Edward Bertozzi, Vice Chair
Robert Moitozo
Tomas Ennis
Christopher Cooper
Stephen Brooks, Jr.
William Costa
Michael Costa, Assoc. Member

Meeting Minutes
September 21, 2016
Town Offices
148 Peck Street
Rehoboth, MA 02769
7:00 PM

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REHOBOTH, MA

Present: James Muri, Edward Bertozzi, Robert Moitozo, Christopher Cooper, Steven Brooks, Jr., William Costa, Michael Costa

Town Planner – Leeann Bradley

Absent: Tomas Ennis

Pledge at 7:02p.m.

Form A

1. 477 Winthrop Street Realty LLC – 477 Winthrop Street – 16-19A - Mr. Otis Dyer was present on behalf of the applicant. He began by stating that Land Tek owns 2 lots, side by side. The applicant wants to combine both lots. The total will be 3.77 acres. Mr. Brooks motioned to endorse the Form A. Mr. William Costa seconded the motion. Motion passed.

Public Hearings

1. 477 Winthrop St. LLC – 16-01SPA, 16-01GWSP – No one was present. Revised plans need to be submitted. This matter will be continued at the next meeting on October 5, 2016.

2. Subdivision Regulations Amendment – Section 104 Fee Schedule – *continued from 9/7/16 meeting*. Mr. Muri began by stating there was some discussion and requests from applicants who felt the fee schedule was high for Form A's. Mr. Otis Dyer compiled a report showing what the fee schedules are in surrounding towns. He submitted it to the board. He stated the average house lot sells for \$165,000.00 to 175,000.00 in Rehoboth. Mr. Muri spoke to town counsel a few months ago regarding fees. He asked how much any board can charge for their fees. Town counsel stated that as long as the monies being generated through fees and applications are being used to offset the cost of the department and not a net money-maker, is considered acceptable to the courts. Mr. Dyer stated the Department of Revenue has worksheets on how to calculate fees by the hour. Mr. Bertozzi added the town has always been teetering on the brink of not having enough money. The board's responsibility is to do the job efficiently and not have a big budget. The budge now is

much smaller than it was 30 years ago. Town Counsel is saying it is okay to have fees high enough to cover the department. If the department is destroyed then they would have to lower the fees.

Mr. Bertozzi suggested asking Town Counsel about this again.

Mr. Bertozzi motioned to seek the advice of Town Counsel with regard to the DOR guidelines and policies on fee amounts.

Mr. Cooper seconded the motion. Motion passed.

Mr. John Ferreira added that most Form A applicants are town residents. The fees are expensive and not comparable to other towns. Mr. Muri stated the Planning Board is a board that townspeople come to on their own accord. They set fees to compensate for the services they're providing. The Planning Board is trying to shift the burden away from the townspeople and shift to people who are actually using their services. Mr. Ferreira added that most of the time he comes before the board with subdivisions. He has never complained about the fees. He will deal with the fees and ultimately pass it along to the consumer through lot prices etc. For the average resident who simply wants to divide lots he feels the fees are tough, especially for first time home buyers. Mr. Muri added that there have been instances in the past where the Planning Board has reduced fees. They have the capacity to reduce fees if they feel it's warranted. They will put this question before Town Counsel for their input. Mr. Cooper suggested checking the data from 2015 to make sure they are not way off in the fee structure.

Mr. George Cardono came forward with concerns on the Real Estate side of the matter. The biggest problem is once potential buyers find out what the fees are they walk away. He stated it is very discouraging. He has sold a few pieces of commercial property and has restored them to a better condition. Some sections of Route 44 are dilapidated. He just lost a commercial deal because of the fees. He added the fees are 2 to 10 times higher in Rehoboth than surrounding towns. He also has a potential client here for a few days and he is looking at parcels in Rehoboth for solar farms. He learned that the fee is \$3,500.00 for the application. The client is no longer interested.

Mr. Muri asked Mr. Cooper to comment regarding an analysis he prepared regarding solar farms. Mr. Cooper stated that solar farms make millions and millions of dollars especially in Massachusetts. They have a 3 to 5 year payback for the capital investment and then it's all profit for the next 15 years. He does not feel especially bad about the \$3,500.00 application fee since some of the solar projects in town have awful.

Mr. Bertozzi stated the experience of the Planning Board with regard to solar projects is very mixed. They have had a lot of problems with some projects. It has required many hours of input by the board. They have had to seek the advice of Town Counsel repeatedly, and also involve other town officials to get the developer to do what they said they would do. He feels \$3,500.00 is relatively cheap considering all the time and effort taken by the Planning Board and other town officials to see the project through. Mr. Bertozzi hopes it will get better. He added Site Plan Approval is required before projects can begin. The building permit is not issued until the Site Plan Approval has been granted. The Planning Board cannot simply deny the Site Plan Approval. They end up working with the developer regarding lighting, parking etc. They have had many cases of waiving or reducing fees to help the developer save money and promote their business. They are not anti-business.

Finally, Mr. Muri added that the public hearing will reconvene once they have an opinion from Town Counsel regarding the fee structure.

Discussion

Mr. Joseph Fortin, from Dynasty Electric LLC, came before the Planning Board with a question. He submitted plans for a garage as an addition to an existing garage. Does he need Site Plan Approval? Ms. Bradley submitted plans to the board that Mr. Fortin had dropped off that day.

Mr. Fortin stated no hazardous material will be stored in the new garage. All signs and lighting will match the existing building and material. There will be no additional pavement. Mr. Muri stated there is no real change in the existing use of the property and suggested that Mr. Fortin submit an affidavit stating that the addition will comply with all Site Plan Approval requirements. Mr. Bertozzi suggested listing information regarding the addition and its proposed use. This will be added to the agenda for the second meeting in October.

New Business

1.

Old Business

1.

Minutes

1.

Invoices

1. The Sun Chronicle – Sign Bylaw/Subdivision Regs - \$323.25

Mr. Moitozo motioned to submit payment.

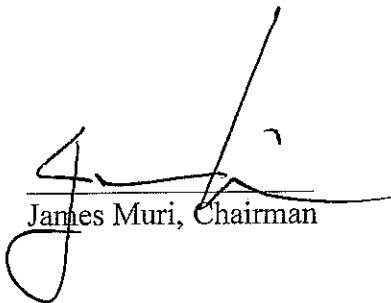
Mr. Brooks seconded the motion. Motion passed.

Adjournment Bertozzi seconded the motion. Motion passed.

Mr. Moitozo motioned to adjourn at 8:15p.m.

Mr. Bertozzi seconded the motion. Motion passed.

Respectfully Submitted,



James Muri, Chairman