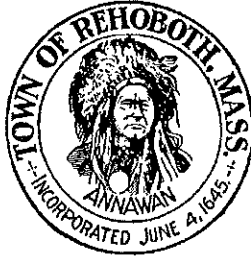


PLANNING BOARD  
148 Peck Street  
Rehoboth, MA 02769  
(508) 252-6891 Telephone  
(508) 252-5342 Facsimile



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

**Meeting Minutes  
April 5, 2017  
Town Offices  
148 Peck Street  
Rehoboth, MA 02769  
7:00 PM**

RECEIVED  
17 JUL 12 AM 8:46  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

Present: Christopher Cooper, Robert Moitozo, Edward Bertozzi, Tomas Ennis, William Costa, Michael Costello; Town Planner – Leeann Bradley

Absent: Michael Costa

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

Mr. Motizo then introduced newly elected member Michael Costello to the Planning Board. He also introduced two new/old members, Christopher Cooper and Michael Costa.

Form A

Public Hearings

New Business

1. Reorganization of the Board – Mr. Moitozo asked the Planning Board for a nomination for Chairman of the Planning Board. He added that he worked too far away to make the commitment as Chairman. Mr. Bertozzi also noted that Mr. Cooper and Mr. Ennis are very committed and have “paid their dues” and asked if they would be willing to do it. Mr. Cooper stated “if nobody else is willing to do it. I’m happy to give it a shot”. Mr. Ennis stated he was not interested in becoming Chairman.

Mr. Bertozzi nominated Mr. Christopher Cooper as Chairman of the Planning Board.

Mr. William Costa seconded the motion. Motion passed.

Mr. William Costa nominated Mr. Robert Moitozo as Vice-Chairman of the Planning Board.

Mr. Christopher Cooper seconded the motion. Motion passed.

Mr. Michael Costello nominated Mr. Michael Costa as Clerk of the Planning Board.

Mr. Edward Bertozzi seconded the motion. Motion passed.

Mr. Tomas Ennis stated he will stay on as the Storm water and Gravel liaison.

Mr. Edward Bertozzi stated he would stay on as the liaison for the Community Preservation Committee and the Water Commission.

Mr. William Costa will stay on as the liaison to SRPEDD and the Maps Committee and will now be the liaison to the IT Committee.

Mr. Christopher Cooper will remain the liaison for Agriculture and Natural Resources.

All other previously assigned positions remained the same.

Mr. Edward Bertozzi motioned to accept the above reorganization and assignment of positions as stated above

Mr. Tomas Ennis seconded the motion. Motion passed.

2. Request for Extension – SPA – SunConnect – 297 Winthrop Street – Ms. Erica Buster representing SunConnect was present. She is before the board tonight requesting an extension to the Site Plan Approval as they have been waiting for a Massachusetts legislative policy and a regulatory policy with regard to the economic viability of the project. They now know the project is viable and want to continue on with the project. Their project is a 1 megawatt ground mounted solar array. Also present was Mr. Sam Lyons representing a separate developer Cypress Creek Renewables. They have a contract to purchase the project from SunConnect. The contract is not yet closed. They do not own the project at this time but are working collaboratively with SunConnect on the project pending the completion of several conditions to the purchase of the contract. They will own the project in the near future. He is here tonight asking for an extension and also has a request for overview of some changes to the Site Plan and would like to present them to the Planning Board. Mr. Lyons stated that the core of the project has not changed. The footprint of all the key pieces of equipment has not changed. They are adding more modules in the same footprint. It will not affect the impervious surfaces of the site. They are simply taking the rows and spacing them a little closer together. The distances from the fences will remain the same. There is a slight adjustment to the driveway that will decrease the impervious surface. The only driveway entrance change is from a cul-de-sac to a dogleg turn around area. The access for all vehicles will remain the same. The board asked to see the plans. Mr. Lyons reviewed the changes with board members. He confirmed that connections will be underground. The extra rows will add approximately 300 kilo watts. Mr. Costello asked if SunConnect has entered into a Pilot Program with the town. It was confirmed that yes they have. They are waiting on the land owner's signature to complete the contract. Mr. Costello stated the extra panels would add to the program and they base the program on the amount of inventory on the site. It will need to be renegotiated with the assessors. Mr. Bertozzi asked if there has been any change in the number of plantings that are buffering the project. Mr. Lyons confirmed there are no change and also no change in the size and material of the fences. Mr. Moitozo asked if they could move the switch gear and inverter back to the first planting. This will give vehicles more room to maneuver if they need to get back to that area. Mr. Lyons will check into that. The current deadline is April 16, 2017. They would like to extend it for another year. Mr. Lyons will need to talk to his team regarding the interconnection timeline as these projects are driven by the interconnection. They intend to start construction by the end of this year. Mr. Ennis suggested issuing the extension to December 31, 2017. Mr. Ennis motioned to issue an extension to Site Plan Approval for SunConnect to December 31, 2017.

Mr. William Costa seconded the motion. Motion passed.

Mr. Bertozzi advised Mr. Lyons to submit a revised plan to the Town Planner, Ms. Bradley, once the switch gear issue is resolved and is shown on the plan.

3. Request for Fee Reduction – Form C – Ryan DuVally – Mr. Ryan DuVally was present. He previously submitted a letter to Ms. Bradley summarizing his request for a fee reduction. He recognized that fees have increased. He stated this is a unique, previously approved, definitive project from a number of years ago. The project was so far along in the process it seemed mute to go through the preliminary process again as there were no changes to most of the project except for some of the updated drainage by new standards. It was decided to go straight to the Definitive Plan

by the new standards. Mr. DuVally is aware the fees are substantial. He is respectfully asking the Planning Board to consider a possible waiver or anything the board deems fair. Mr. Bertozzi asked what the changes were made from the original plans from 2006 to the revised plans of 2017. Mr. DuVally stated the only real change is with the drainage. He added that everything was submitted to the clerk yesterday including drainage reports. It's not being done as a change but rather a complete submission. Mr. DuVally stated that he spoke to the engineer and the majority of the changes revolve around the drainage. He realizes the trend is more toward the above ground drainage as opposed to the sub-surface drainage. To his knowledge, that is the majority of the work they've done over the past year. A whole new ANRAD was done. Some of the lots were modified due to the drainage change and wetlands. He stated the two entrances to the project have not changed. He admitted that this is a project from the ground up, that was approved previously and he is before the board tonight to address the fees. Mr. Costello suggested checking to see what the original developer paid in fees for the original development and decide if they want to adjust Mr. DuVally's fees in accordance with the previously paid fees for this project. Mr. Bertozzi stated that Mr. DuVally is really submitting a Form C, Definitive Sub-Division Plan without a Form B, Preliminary Sub-Division plan. However the argument is a lot of work was already done on the prior plan so there is less work to be done now. Mr. DuVally stated that the plan he has submitted now is the Form C, Definitive Sub-Division plan. The prior project was an Approved Form C plan as well, although admittedly from a number of years ago. It has expired as an approved plan and therefore he submitted it as a new plan. He is simply asking for a reduction of fees.

Mr. Costello made a motion to table this matter until Ms. Bradley can do some research and determine what was paid in fees for the original project from 2006.

Mr. Bertozzi seconded the motion. Motion passed.

Mr. DuVally made one last point stating he submitted everything yesterday but not the check pending a decision regarding the fees tonight. He asked the board how they would like him to proceed going forward. He wants to proceed through the process if possible pending the outcome of the fee issue. He does not want the fee issue to hold up the project.

Mr. Costello suggested they make a decision at the next meeting on April 19, 2017 and Mr. DuVally should be in attendance with a blank check to submit to Ms. Bradley once a decision is made. Mr. Ennis does not feel there is anything stopping the board from proceeding with the review. The Planning Board agreed. There was no further discussion.

#### **\*\*NOT ON AGENDA\*\***

Mr. Moitozo brought up two matters not on the agenda but considered new business. He stated he spoke to the town administrator regarding the option of buying some land. One of the parcels on Providence St. with a Form A plan was approved by the Planning Board in 1993. It was never recorded at the Registry of Deeds by the applicant. The land has since been taken by the town. As far as the town knew it was a separate parcel. In order for the town to complete their commitment to the owner they would like to use that same Form A plan, which could not be accepted by the Registry of Deeds with the old signatures from 1993. The engineer who created that plan created an updated version and asked that the Planning Board sign it. Mr. Moitozo stated there is not much value as useable land as most of it is wet. The abutter purchased the land and the town would like the Planning Board to sign the plan to complete their commitment to the purchaser. Mr. Cooper suggested waiving the Form A fee. Mr. Moitozo agreed. He confirmed to Mr. Bertozzi that the division of land is now parcels A, B, & C. Parcel C is a non-buildable lot. It was taken for non-payment of taxes. The town believed it was an accepted lot and was recorded.

Mr. Bertozzi motioned to accept the Form A plan for Burton Piggot on Providence St.

Mr. Costello seconded the motion. Motion passed.

Mr. Motoizo's second order of new business is regarding a discussion with Mr. Muri and the responsibilities of the Town Planner. Mr. Muri came before the board requesting an informal discussion as their liaison. He began by stating that for a number of years the Zoning Board of Appeals has had minimal support with regard to administrative staff. As they are entering into a situation where 40B projects (low income) are allowed to circumvent local zoning laws, the ZBA will become overwhelmed and will have difficulty keeping up with filing, minutes etc. The Board of Selectmen feels it might be useful to have some administrative help in that regard. The Planner currently has a great deal of knowledge in that area and all the issues the ZBA has to oversee. The Board of Selectmen think it would be helpful to have the Town Planner take over the realm of administrator for the ZBA. They recognize that along with that goes a salary increase due to the increased responsibilities. They feel it is best to maintain the current chain of command that has been established for the Town Planner/Conservation Agent so the Planning Board would be responsible for the budgetary line item as it currently does, and still oversee her in a supervisory fashion. Originally they envisioned bringing up her salary to the median of the area. Mr. Muri added he just learned from the Finance Committee that there is a lot of budgetary difficulty that will come upon them this year. They may have to back that line item down to where it is plus cost of living. They envision that once they get past this hurdle it could be changed back to where it should be. Mr. Muri asked the board if they would be willing to allow that additional responsibility to fall under her authority. Mr. Muri added that he spoke informally to Ms. Bradley who indicated she was very interested in taking on the ZBA since it coincides with her existing duties. She is looking for new challenges. The ZBA currently works with the Board of Selectmen. He feels they would welcome the administrative help. Ms. Bradley's hours would stay the same at 36 hours per week. She would not be a voting member of the Zoning Board of Appeals. Mr. Costello added that their agendas are light and they have been managing their administrative duties. The area of greatest need is maintaining the filings and making sure paperwork is filed correctly. Mr. Muri stated that one of the things that need to take place to make it happen would involve having Ms. Bradley's contract re-written to include the ZBA piece and the budgetary line item would have to be increased in the budget. Town Counsel will need to be consulted on this. He stated if the Planning Board has no qualms with this, he could then go ahead and contact Town Counsel on this matter and get things going on the contract. They would have to approve that process.

Mr. Ennis motioned to have Selectmen Muri speak to Town Counsel regarding a new contract for Ms. Bradley.

Mr. Bertozzi seconded the motion. Motion passed.

Mr. Cooper had a question for Mr. Muri regarding the Selectmen's meeting last night and his discussion with CARCS and possible workshop/public hearing on the matter. Mr. Muri noted that Ms. Dennen is currently scheduling a meeting with Town Counsel to have a "primer" on 40B's and other issues regarding development primarily for the benefit of ZBA. Other people were interested and he thinks it will be open up to the Conservation Commission, Planning Board and ZBA. The Planning Board can choose to go or not. Mr. Muri thinks it could be sometime in June. There was no further discussion.

Mr. Ennis had a new business matter to discuss regarding the old Recreation Center on Route 44. He has noticed that are at least 20 bucket trucks being parked on that site. Mr. Ennis does not think they are zoned to be there. Mr. Costello stated they are renting the property from the owner on a temporary basis. Mr. Ennis asked if that is allowed. Mr. Costello added it is National Grid. Mr. Ennis noted that according to the town bylaws they are not allowed to be there because it's not

an industrial zoned area. He added that this was a big issue for Waste Tech having their trucks remain out of site. These trucks are in plain sight. Mr. Costello gave a brief history on National Grid stating they are doing a 3 million dollar upgrade of power lines in the general area to upgrade substations. These trucks are from a company out of New York. Again Mr. Ennis asked if it is allowed. Mr. Costello wonders if there is some leeway for temporary parking. Mr. Cooper stated that was the issue with Waste Tech. What defines temporary? Mr. Ennis stated that the only reason they allowed that business in that area is because the Zoning Board of Appeals approved it. Mr. Costello feels these are commercial not industrial vehicles. They are registered as commercial vehicles. He also added that this has been allowed in the past in business districts to allow parking of equipment. He reminded the board of all the complaints from neighbors about Consolidated Truck and Trailer yet they were allowed to park their vehicles on their property. He also gave a few other examples of businesses in the same situation where parking equipment was allowed. Mr. Costello agrees with Mr. Ennis. Mr. Moitozo stated this issue needs to go to the Zoning Enforcement Officer. Mr. Bertozzi thinks the Planning Board can ask the Zoning Enforcement Officer if this allowed. Mr. Bertozzi found the "Permitted Uses in the Business District" section in the zoning bylaws which refers to making spaces available for a fee if a special permit is first obtained. Mr. Costello stated the special permit determination comes from the Zoning Enforcement Officer.

Mr. Ennis motioned to contact the Zoning Officer and have him look into this matter.

Mr. Bertozzi seconded the motion. Motion passed.

There was no further discussion.

#### Old Business

1. Sign Bylaw – final edits have been made – Mr. Cooper noted the Public Hearing is scheduled for April 19, 2017. Mr. Bertozzi added that Ms. Bradley sent out an article from a non-profit that is sort of a middle of the road group trying to help municipalities and advertising/media people with regard to signs, in particular electric/illuminated signs. He read the article and stated it made a lot of sense and rational. He feels that in preparation of the Public Hearing everyone should read the article. It may lead to more changes and he anticipates problems.

2. Hydrogeological Assessment Regulations – update – Mr. Bertozzi distributed the results of the request of Fuss and O'Neill for an estimate of what it would cost to conduct a hydrogeological assessment under the proposed regulations they have put together for review by the Board of Health. The estimate he distributed was a draft. The assessment would cost \$188,000.00. Mr. Moitozo added they would have to probably have to pay an additional \$15 - \$20,000.00 to review it on top of the application fee. Mr. Bertozzi agreed. The assessment would be for a 70 acre development for 25 single family lots. Mr. Bertozzi confirmed to Mr. Costello that this assessment would be an added charge to the developer. The assessment is to determine the water resource on that site from the point of view of having available now and in the future, adequate potable water for the proposed development from individual wells. Mr. Costello asked how the need arose for such an assessment. Mr. Moitozo stated that someday people in town are going to start running out of water. There is a finite amount of water. If a big sub-division is developed, it will have a significant impact on the water supply.

Mr. Bertozzi stated the trigger to conduct an assessment is 25 house lots. Mr. Moitozo added that some other issue such as the number of existing wells can also be a trigger. Mr. Moitozo stated they don't want a big sub-division to come in, and a year later the abutters are running out of water.

Mr. Bertozzi stated the density trigger is designed to approximate anything that is denser than our zoning requirements allow. It will then trigger a hydrogeological assessment. He added that most 40B's are large developments and that a 40B project has already been approved that is over 200

units. Developers will have to conduct the assessment to see if potable water will be there. If the developer says no to the assessment requirement and goes to the Housing Committee in Boston, he can say we're being unfair by making him conduct the assessment. The town then goes to court and says the developer is proposing 50 units on 40 acres and we just want to know whether the water is going to work. The assessment is only needed if the proposal of the developer is to have individual wells and individual septic systems. If the developer states the proposal does not have individual wells and septic systems but will have a public water supply for the development, it would then come under the state's supervision. This requires ongoing supervision and therefore would be much safer for the residents of the development. Mr. Bertozzi is afraid the town could be sued if things get approved that don't work. Mr. Costello stated that mostly 40B developer would be impacted by the assessment requirement and could then get help from the state. Mr. Bertozzi added that any developer proposing a large development would have to conduct the assessment. Mr. Costello wonders if a developer can take the town to court over zoning and fee issues. Mr. Moitozo stated it's not a fee. It is a report similar to a traffic study. Mr. Bertozzi stated they ran this very question by Town Counsel who made a few suggestions which they have incorporated into the assessment requirements. Mr. Moitozo added that requiring the developer to conduct the assessment make them more responsible for the impact they are going to cause. Mr. Bertozzi feels most developers will go with the public water system not a public sewer system. Mr. Bertozzi and Mr. Costa gave Mr. Costello a brief overview of the study being done by Roger Williams University regarding the wells in town and that residents have to drill their wells deeper to get the water they need and what the impact is to surrounding wells. Mr. Bertozzi noted that the Board of Health has been struggling with this information. Mr. Bertozzi made a motion to have the Planning Board send the Fuss and O'Neill estimate to the Board of Health and to authorize him to attend the next Board of Health meeting to discuss the information. He added that the Board of Health can approve a regulation on their own. Mr. Costello seconded the motion. Motion passed.

#### Minutes

##### **2016 Minutes**

- |                      |                     |
|----------------------|---------------------|
| 1. October 19, 2016  | 2. November 2, 2016 |
| 3. November 16, 2016 | 4. December 7, 2016 |

##### **2017 Minutes**

- |                    |                     |                      |
|--------------------|---------------------|----------------------|
| 1. January 4, 2017 | 2. February 1, 2017 | 3. February 15, 2017 |
|--------------------|---------------------|----------------------|

Mr. William Costa motioned to approve the above minutes.

Mr. Bertozzi seconded the motion. Motion passed.

#### Invoices

#### Adjournment

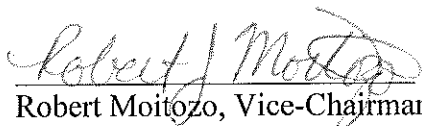
Mr. Bertozzi motioned to adjourn at 9.00p.m.

Mr. William Costa seconded the motion. Motion passed.

Respectfully Submitted,



Christopher Cooper, Chairman



Robert Moitozo, Vice-Chairman