

PLANNING BOARD
148 Peck Street
Rehoboth, MA 02769
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James Muri, Chairman
Edward Bertozzi, Vice Chair
John Moriarty, Clerk
Robert Moitozo
Tomas Ennis
Christopher Cooper
Stephen Brooks, Jr.
John Scanlon – Assoc. Member

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**Meeting Minutes
May 20, 2015
Town Offices
148 Peck Street
Rehoboth, MA 02769
7:00 PM**

Present: James Muri, Edward Bertozzi, Christopher Cooper, Tomas Ennis, John Scanlon, Robert Moitozo, Stephen Brooks Jr.; Town Planner – Leeann Bradley

Absent: John Moriarty

Pledge at 7:00p.m.

Form A

Ellen B. Williams – 105 Hornbine Rd. – 15-07A – Mr. Otis Dyer was present on behalf of the applicant. The applicant has a large piece of land that is a horse farm. They are proposing to divide it into two horse farms. One will be a retreat lot. A house will be built on Lot 1 and a barn will be built on Lot 2. All requirements for a retreat lot and house lot are being met. Mr. Cooper motioned to endorse the Form A. Mr. Moitozo seconded the motion. Motion passed.

Public Hearings

Moonlight Estates – 14 Tremont St. – 15-01C – Mr. Rob Davis and Suanne Santos of Insite Engineering were present on behalf of the applicant. Mr. Davis submitted 2 full sets of plans. He is at the meeting tonight to discuss a few minor remaining comments. Comment #5 from Fuss & O'Neill dated May 18, 2015 refers to the road cross section and water runoff. The applicant has requested a waiver. Mr. Davis stated this is an identical procedure used on Linden Lane and is working with great success. It is a low impact and low maintenance solution for drainage issues. Mr. Muri stated the Highway Department does not have the resources and manpower to maintain drainage structures and favors low impact and low maintenance drainage structures. Mr. Muri also stated there is a desire when planning for future developments to make streets and parcels extended and not have odd shapes or otherwise prevent extensions of the roadway to allow further development of areas which may be beyond the existing developed area. Ms. Bradley mentioned the issue with vegetation cutting with regard to sight distance. Mr. Bertozzi stated there was concerns with neighbors stating there wasn't enough sight distance where the proposed street meets Tremont St. Fuss & O'Neill recommend trimming or removing vegetation looking east from 227' to 390'. Mr. Bertozzi asked for comment from Mr. Davis. Mr. Davis stated they made three visits evaluating the site distance. He assured the Planning Board that they take safety issues very

seriously. A photograph was taken from the proposed street at the prescribed location showing a truck approaching from the east. As it approaches it is obscured by a 3' hedge and a spruce tree, however Mr. Davis feels the sight distance is adequate. He is also trying to be sensitive to the neighbor who keeps the hedges well-kept and asks that they request them to keep the hedge no higher than 3'. Mr. Bertozzi stated the hedge is in the public right of way and the town has the right to cut or remove the hedge if needed. Mr. Davis stated the camera was approximately 4-5' off the ground. Mr. Cooper suggested moving the hedges back 10' or remove them to solve the sight distance issue.

Mr. Davis addressed a concern of an audience member regarding speed limit. He stated the peer review engineer's evaluation states the speed limit is 35mph. However the average speed is 40-45mph. The town's regulation for stopping sight distance at 35mph is 250' and if traveling 40-45mph the stopping distance is 360' which meets the requirements of Table 1, 502.7. The property owner with the hedges was present and stated they need to be cut as they are currently too tall however she cannot move them 10' back due to the spruce tree. Mr. Davis reminded the Board there are always sight distance obstructions in any roadway, whether it be trees, shrubs or telephone poles. Mr. Muri asked the Board for their thoughts. Mr. Brooks is confident the neighbor will keep the hedges trimmed. Mr. Bertozzi feels that they cannot say to this developer that because the sight line is not absolutely clear they will be turned down. It would go to court and the applicant would win. The hedges are on not on private property but are in the town's Right of Way and can be removed, especially if there is an accident and complaints. The owner does not want to move the hedges.

The owner of Moonlight Inn has concerns regarding traffic and sight distance issues when leaving her driveway since there have been a few close calls when cars and trucks are driving over the speed limit on Tremont St. Mr. Davis evaluated sight distance from the intersection not the Moonlight Inn driveway but stated they used the standard AASHTO approach which was reviewed by the town's consulting engineer. He also stated the area was staked from the west heading east and traffic is easily visible and is also within the AASHTO guidelines.

An audience member had a question regarding the infiltration basin and asked if the area had a perc test. Mr. Davis stated that 16 to 20 deep-hole percolation tests were conducted on the property. A slight modification was made to address the request of the town's consulting engineer.

Ms. Anderson of Moonlight Inn is concerned about flooding on her property. Mr. Davis assured her that berms would direct runoff away and into the infiltration basins. Mr. Davis and Suanne Santos addressed other points brought up by Ms. Anderson. Ms. Anderson stated she did not receive notification of this public hearing and she is an abutter. The property was recently sold to her. Mr. Muri stated it is possible the town had not updated their records yet to reflect Ms. Anderson as the new owner. Mr. Ryan DuVally from Heritage Realty was in the audience and noted that before Ms. Anderson bought the property he met with her last May at the property with a set of the preliminary subdivision plans to show her where the houses would be built and where the roadway would be. They discussed how it might impact the Moonlight Inn and how it could potentially help business at the Moonlight Inn. It was made clear to Ms. Anderson from the beginning that a road was proposed to go in to the subdivision. The letter Ms. Anderson wrote mentioned points that had been previously discussed and strongly insinuated that she was unaware of the particulars of the subdivision. Mr. DuVally stated this could not be further from the truth. Ms. Anderson stated that a hypothetical situation versus actually living on the property for 6 months and truly understanding what the impact was going to be are quite different. A strong

concern is the wedding gazebo which will end up being 30' from the roadway of the subdivision. Mr. Muri stated the buyer needs to be aware and the applicant is not doing anything illegal.

Another audience member, Jesse Winters, had concerns regarding issues with potential abutters and their displeasure with his cows and farming practices. He is concerned he may lose his farm through lawsuits. Ms. Bradley made it clear Rehoboth is a Right to Farm Community and as long as the animals are not on the neighbor's property they cannot complain about cows, roosters etc... Ms. Bradley stated the Right to Farm is a bylaw. Mr. Winters stated the bylaw is not as strong as people think it is and fears the bylaw may not exist in the future. His hayfield is 75' from the back of one of the homes in the back right corner of the subdivision. They may hear his tractors at 5am. He is concerned about complaints. Mr. Muri stated the applicant has a right to build homes and the abutters who farm have a right to farm. The buyer needs to do some research on the property and the town in general before they buy. Mr. Muri offered to put Skip Vadnais in touch with Mr. Winters regarding his farming concerns. Mr. Bertozzi noted the bylaw states there should be some sort of prominent disclosure at the Town Hall that states Rehoboth is a Right to Farm Community. He could not find anything as he walked through the Town Hall. Ms. Bradley stated that she would bring this to the Town Clerk's attention.

Mr. Brooks motioned to close the public hearing. Mr. Cooper seconded the motion. Motion passed.

Mr. Bertozzi asked about the form of surety which was discussed next. Mr. Davis stated the form of surety was a covenant. The waivers requested were discussed as follows.

603.1 12" berms

604 sidewalks

614.1 street lights

608 underground utilities will be used

622.1 driveway and curb cut locations

605.2 drain pipe materials - HDPE to be used

602.201 roadway crown from plate 1

Hose Option: Mr. Davis submitted a letter from Chief Baressi with his response. Chief Baressi approved the hose option.

Mr. Cooper motioned to endorse the definitive subdivision Form C for Moonlight Estates with the waivers, hose option and covenant as surety.

Mr. Bertozzi seconded the motion. All in favor. Mr. Moitozo abstained from the roll call vote.

Mr. Scanlon is not eligible to vote.

Kearsarge Rehoboth LLC – 128 Bay State Rd. – 15-01Solar, 15-02GWSP, 15-02SPA – Mr.

Michael Lotti of Innovative Engineering Solutions was present on behalf of the applicant.

Mr. Cooper motioned to open the public hearing for the GWSP and Solar Permit.

Mr. Brooks seconded the motion. All aye. Roll call vote.

Mr. Cooper motioned to open the public hearing for the Site Plan Approval. Mr. Ennis seconded the motion. Motion passed.

Mr. Lotti is proposing a 999KW Solar Photovoltaic Array at 128 Bay State Road at a former foundry. It is now a cleared, open grass field. A Notice of Intent is now before the Conservation Commission. The field will be surrounded by an 8' fence. All equipment will be at least 50' from all property lines. It covers approximately 3.5 acres and the solar array will cover approximately 2.5 acres. It will be a concrete ballasted system with no grading. There will be one trench for a transformer pad down the driveway toward the street. There will be no piles driven into the ground. No buildings are proposed. There will be one concrete pad for the transformer. No PCB's will be used in the transformer. The project should take two months from start to finish.

The facility will be checked once per quarter. The 8' security fence will have a fire gate. There will be some trimming of trees along the property line of the abutter on one side. It will not require clear cutting due to the height of those trees. Mr. Moitozo noted the plan refers to clear cutting. Mr. Lotti stated the plans are being revised to reflect clear cutting change to selective cutting. They will provide a visual screen and plant trees based upon open spaces to provide adequate screening. It may ultimately result in a revision reducing the number of solar arrays. Mr. Brooks would like the abutting houses shown on the plan. Mr. Lotti agreed.

Mr. Moitozo asked about moving utility poles. He asked if there is a way to move the poles in, and go underground until they come up to the road, rather than having numerous poles at the street next to Goff Hall. Mr. Lotti stated he would contact National Grid to see if it can be done, however, all three poles may need to be at the street. The Planning Board wants to eliminate 2 poles with a meter cabinet and recloser cabinet. Mr. Lotti said he would check on having cabinets on concrete pads. Mr. Bertozzi very strongly stated his displeasure to Mr. Lotti regarding the promises of other solar project engineers who vowed to create and maintain visual buffers and have failed to do so. This has resulted in numerous complaints by abutters. He informed Mr. Lotti this project is in a historic and very delicate part of town. Mr. Bertozzi asked about the 30' screening buffer not being shown on the plan. He wants to see every detail in writing. Mr. Lotti confirmed the selective cutting and replanting if necessary of the line between them and the abutter. They are only utilizing 3 acres of a 13 acre site. Mr. Bertozzi wants a rendering of the buffer strip and what they consist of and exactly what is proposed to plant and where. Mr. Muri stated he is placing a condition on this project that no utility poles shall be placed anywhere except where exactly shown on the plan. The Planning Board will stop the project immediately if National Grid decides to put another pole anywhere other than what is shown on the approved plan. Mr. Lotti agreed completely. He stated he would have to work with National Grid who may not have their final design plan until they've gone through the engineering process which could take three months. Mr. Muri informed Mr. Lotti that this may ultimately hold him up from receiving permit approval from the Planning Board. Mr. Muri asked for a recommendation of an outside consultant for the project. Ms. Bradley recommended Fuss & O'Neill.

Mr. Cooper motioned to request a proposal for engineering services by Fuss & O'Neill. Mr. Brooks seconded the motion. Motion passed. An electronic copy of the plans will be forwarded to Fuss & O'Neill.

Mr. Muri asked about revamping the access road which is broken asphalt. Mr. Lotti said it would remain the same. Mr. Lotti stated the anticipated deadline for the project is December 31, 2016. He would like to complete it sooner. He stated it is not in the managed growth system. Mr. Muri then asked about surety stating they will need Decommissioning and Landscape/Maintenance surety. The form of surety will be forward to Mr. Lotti. Mr. Muri asked for artist renderings of the project or photos from certain vantage points, especially from the Goff Hall. The Planning Board will also need a deer resistant planting plan. This matter will be continued to the next meeting on June 3, 2015.

Subdivision Rules and Regulations Amendments -501.8 – Further Subdivision – Minimum lot
Cannot put in Form A, but put in Form B and Form C sections. Change width to "frontage" 0.01.
0.03 delete "less than".

Mr. Bertozzi motioned to approve the amendment. Mr. Cooper seconded the motion. Motion passed.

Mr. Ennis motioned to close the public hearing on the Subdivision Rules and Regulations

Amendments. Mr. Cooper seconded the motion. Motion passed.

New Business

Old Business

Perryville Farm – 231 Perryville Rd. – Form C denial discussion – Mr. Stevie Carvalho from Thompson-Farland was present on behalf of the applicant. Mr. Moitozo recused himself from the discussion. Mr. Muri began by reviewing the last meeting where the Planning Board voted and issued a denial on the Form C. They had not received a request for a continuance by the deadline after several attempts to contact the engineer had been made. However, the Board could allow Mr. Carvalho to resubmit the application at a dramatically reduced cost. Mr. Muri made it clear that going forward, public hearings cannot go on for 2 years. Public Hearings need to be handled in a timely manner. Mr. Carvalho apologized for the many delays on the project. He wants to move the project forward but stated his frustration with the town's consulting engineer and the abutter's engineer and attempting to satisfy the requests of both. Mr. Muri requested that Fuss & O'Neill be informed that any 3rd party information be forwarded directly to Ms. Bradley. Mr. Brooks motioned to charge a resubmission fee of \$350.00 for the Form C. Mr. Ennis seconded the motion. Motion passed.

It was also stated that if they resubmit, it could be under the newly amended subdivision regulations or the old regulations. By requiring them to submit under the newly amended, it may affect the lots with the new lot size reconfigurations.

Mr. Ennis motioned to go by the old subdivision regulations and resubmit within 30 days. Mr. Cooper seconded the motion. Motion passed.

Housing Production Plan – Mr. Berzozzi spoke to Mr. Grant King regarding the Housing Production Plan and stated he was very helpful with information. Mr. King will make some edits. He recognized the Planning Board's concerns. Mr. Bertozzi also spoke with Mr. Robert Ashton regarding Manitook Estates will not have a public well supply. Each house will have individual well and septic systems just 100' apart. Mr. Bertozzi stated there have been updates on the guidelines for public water supply systems by the state as of 2014. He noted it is very complex. If there are 13 or more residences, they will need a public water supply which is very expensive to install.

Minutes

1. August 6, 2014
2. January 14, 2015

Mr. Muri read these minutes

Mr. Cooper motioned to approve the above minutes. Mr. Ennis seconded the motion. Motion passed.

Invoices

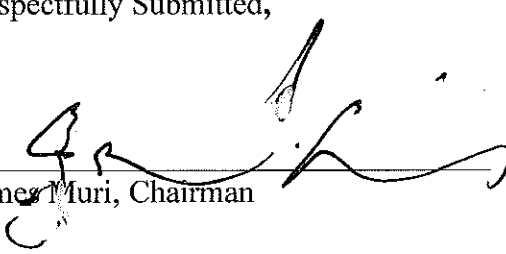
1. Fuss & O'Neill – Moonlight Estates - \$2,105.57.

Mr. Ennis motioned to submit payment to Fuss & O'Neill. Mr. Cooper seconded the motion. Motion passed.

Adjournment

Mr. Ennis motioned to adjourn at 11:05 p.m. Mr. Moitozo seconded the motion. Motion passed.

Respectfully Submitted,


James Muri, Chairman