

**Town of Freetown
Planning Board**

Minutes of the Tuesday, February 6, 2024 Meeting
Held Hybrid, at the Police Station Community Room and over Zoom

Present: James Frates, David Crose, Chad Carvalho, Christopher Mello, and Steven Tripp

Absent: None

Call to Order: James Frates called the meeting to order at 6:01 p.m.

Discussion and Vote on Recommendations for Amending the PMUD by SRPEDD

Robert Cabral and Taylor Perez, from Southeastern Regional Planning and Economic Development District (SRPEDD), gave an update on recommendations for amending the Planned Mixed-Use Development (PMUD). Ms. Perez explained the changes that had made in the document. The changes included definitions to the buffer zone and the traffic impact study. Mr. Cabral explained the ground floor differences. Ms. Perez explained that other surrounding towns by-laws were looked at to configure the dimensional standards. The Board agreed that the minimum lot size was small and wanted it increased to 70,000 square feet. Ms. Perez would input 70,000 into the model and see if it could work. Mr. Frates would like to see higher numbers with the setbacks. The Board discussed different numbers. Ms. Perez explained the open space management plan. She discussed the inclusion of the affordability component that came from the model example by-law. Mr. Frates asked if that would be required by the state. It is not required but it should be considered. Ms. Perez explained that the next steps would be to proceed forward but with the contingency of the 70,000 for lot size. Mr. Crose asked what the next steps would be if they approve it tonight. It would be sent to Executive Office for Housing and Livable Communities (EOHLC) for the pre-adoption review. The review process is taking the full 90-days.

A motion was made by James Frates, seconded by David Crose, to submit the final draft for the Planned Development District (PDD), previously called the PMUD, to EOHLC for pre-adoption with contingency of the 70,000-lot size. The motion carried unanimously.

Site Plan Approval Extension Request – 0 Rear Simmons Street

Erica Buster from SunConnect was present and explained the reason for the extension. The permit was approved in 2022 and an expiration date was not noted in the permit. They are waiting on the utility interconnection and the build out is expected to be the three years. There are no changes to the plans.

A motion was made by David Crose, seconded by Christopher Mello, to issue a 3-year extension. The motion carried unanimously.

Site Plan Approval Extension Request – 23 25 Gurney Road

Erica Buster from SunConnect was present and explained that it is the exact same situation as the request above.

A motion was made by David Crose, seconded by Christopher Mello, to issue a 3-year extension. The motion carried unanimously.

Review and Vote on As-built – GM Way, formerly 3 Friend Street

Byron Holmes from Holmes Engineering was present. An inspection of the site had been completed by Victoria Alfaro. Mr. Frates referenced a letter from Chuck Macomber, stating that everything was in order. In the observation report from Mrs. Alfaro, there was a picture of debris that was left on site. James Rezendes stated that the debris was a homeowner's lot. Mr. Holmes stated that there were no changes and everything was completed as approved.

A motion was made by David Crose, seconded by Christopher Mello, to approve the as-built dated December 29, 2023 for GM Way, formerly known as 3 Friend Street. The motion carried unanimously.

Request for Performance Bond Release – GM Way, formerly 3 Friend Street

The project was completed.

A motion was made by David Crose, seconded by Christopher Mello, to completely release the performance bond for GM Way. The motion carried unanimously.

Continued Site Plan Review – 0 Gurney Farm

Azu Etoniru from E. T. Engineering Enterprises, Inc. was present. The original permit had expired and the applicant had to refile. An email with concerns was submitted by Matt Allen. Mr. Etoniru explained that the site plan was approved in 2021. Eversource and Covid had caused delays. Due to the permit being expired, an

extension could not be requested. He explained that the project had not changed and Environmental Partners (EP) had done a vigorous review. Several drainage areas and run off would be contained on site, due to the size of the area. Conservation Commission had already given the extension for this project. Mr. Frates asked about buffers. Mr. Etoniru stated that the buffers are no less than 35-feet from the property lines with 3-foot earth berm with 8-foot trees and fencing. The Algonquin gas line runs through the property.

Mr. Frates opened the meeting to the public. Thomas Diorio, 11 Brewster Drive, asked about the access points for the two solar farms. There would be two access points, one for each. One of the access points is the Algonquin gas line that is off of Marie's Way. The applicant had received permission from the gas company. There would not be a need to cross between the two solar arrays and the area between is wetlands. Mr. Diorio asked about flooding from the brook. Mr. Etoniru explained that the project was over designed by treating it as if the solar panels were underground and acting as a foundation. Mr. Frates explained that Mr. Etoniru designed the plans but an engineering firm, hired by the Town double checks the calculations. Mr. Diorio explained that his concern is the wetlands in that area and one bridge had already collapsed. Mr. Frates explained that they are not allowed to push water to any abutters. Mr. Diorio asked how the solar affects the town, does it create revenue. It does help the Town but also helps the state reach their goals of clean energy. Changes were made to the by-laws to favor solar. Mr. Frates explained a scenario, that if 150 houses were built on a property then that would be detrimental to the community, schools, and emergency services. Solar arrays do not take from services in Town but make for better use of properties. Mr. Diorio stated that there is about 50 acres of property but only 8.4 acres is for the solar arrays. He asked if there would be any future development of the other 40 acres that they own. Mr. Etoniru responded that as of right now, there are no plans for any future development.

Ruth Card, 9 Brewster Drive, stated that there is a line of trees on Marie's Way and asked if a buffer would be installed on Marie's Way or would the existing trees be removed. There would be no need for a buffer on Marie's Way since the only array to be seen is the existing solar array. The two arrays being installed would not be seen from Marie's Way.

Scott Davidson, 20 Marie's Way, stated his concerns with water and the current conditions of the wetlands. He referenced issues of basements flooding in Plainville after a solar array was constructed. Mr. Frates reassured the abutters that this project has gone through peer review.

Matt Allen, 17 Marie's Way, stated that the bridge on Marie's Way had collapsed and is the only road in and out for the subdivision. He was concerned about the trees that would be cleared on the Northern side. He asked about the clearing, elevation and mentioned how trees drink water. Mr. Etoniru stated that the trees would be cleared on the Northern side, but it had been engineered for a foundation to be installed, even though only posts would be installed for the solar arrays. The elevation would not be changed and it would be following the natural flow of the water. The construction would be expected to start sometime in 2024. EP would be on site multiple times throughout construction for intermittent inspections. The project is expected to take about nine months from start to finish. The access to the Northern array would be off Marie's Way and access to the Southern array would be off Chace Road, next to the existing solar array.

Jennifer Emerson, 9 Marie's Way asked about design point four and stated that on the plans, it is on her property. Mr. Etoniru stated that the point is shown on the plans to show the design of drainage and the direction but it is not altering.

A motion was made by David Crose, seconded by Christopher Mello, to close the public hearing. The motion carried unanimously.

A motion was made by David Crose, seconded by Christopher Mello, to approve the list of waivers from waiver request letter dated December 15, 2020 and referenced in the original Site Plan Review decision dated February 18, 2021. The motion carried unanimously.

A motion was made by David Crose, seconded by Christopher Mello, to approve the Site Plan Review application and plan set dated January 22, 2024. The motion carried unanimously.

Informal Discussion – Lamb Village

Eric Army, from Signal Works Architect, Pastor Moniz and Michael Leshinsky, from Leshinsky Finance, LLC were all present. This project has been ongoing for 20 years and they have spoken to prior Board members numerous times. The by-laws had been changed for this type of project to happen. Pastor Moniz explained that they are interested in building a nursing home, a medical facility, adult daycare, a school, and a church. He expressed his personal reasons being the interest for building the nursing home. Mr. Mello asked how this project would separate them from others that currently build and operate nursing homes. Pastor Moniz explained that he thinks of people first and money next. He wants to operate a nursing home differently from how current facilities function. His goal is to serve the community. Some units would be sold and some rented. Pastor Moniz explained in order to receive a license for a nursing home, the government required a five to one ratio, five apartments to one nursing home bedroom. He explained that there is an existing home on the property and that would be

made into a coffee shop or diner. He shared that this project is his life's work and there is a greater need for nursing homes now. Mr. Frates stated that the project would not have an impact on the schools but would impact the emergency services since it is for elderly population. There are currently no nursing homes in Freetown and residents want to stay in town and that is encouraged.

Mr. Army presented the overlay of the area. The property is approximately 100-acres and has been acquired over time. The vision is to be a Continuing Care Retirement Community (CCRC). That is where one would move into an apartment and then transition to assisted living. The New Bedford waterline runs next to the property and they were able to get a municipal cap off to supply the property with water. A septic would not be feasible for this project due to a lot of wetlands on the property. Conservation Commission had given preapproval for clearing the lot for phase I a. The next steps would be to get the approvals for each phase and to raise capital at each step.

Continued Public Hearing – Proposed Stormwater Rules & Regulations

Mr. Frates opened the public hearing. The stormwater rules and regulations are ready for adoption.

A motion was made by James Frates, seconded by David Crose, to close the public hearing. The motion carried unanimously.

A motion was made by David Crose, seconded by Christopher Mello, to adopt the stormwater rules and regulations. The motion carried unanimously.

Discussion and Vote to Ratify Signature – 2 Memorial Drive, RDA

Nicole DeMoranville explained that the project is for improvements to the trails at Central Park.

A motion was made by James Frates, seconded by David Crose, to ratify the Chairman's signature on the RDA for 2 Memorial Drive. The motion carried unanimously.

Discussion on Accessory Apartment By-law

This discussion was moved to the next Planning Board meeting.

Discussion and Take Action Relative to Recommending Proposed House Bill 3555

Mr. Frates explained that the House Bill is for an associate member to be able to take the place for a member that is absent and be able to vote on all projects, not just the Special Permit projects.

A motion was made by James Frates, seconded by David Crose, to send a letter to Representatives and Senate in support of proposed House Bill 3555.

Minutes

A motion was made by James Frates, seconded by David Crose, to approve the 01.16.2024 minutes as submitted. The motion carried unanimously.

Meeting Adjourned

A motion was made by James Frates, seconded by David Crose, to adjourn the meeting. The motion carried unanimously, and the meeting was adjourned at 8:04 p.m.

This is a True Record by me.

Attest: _____
Nicole DeMoranville, Senior Clerk