



Planning Board Minutes – May 16, 2017

A meeting of the Town of Freetown **Planning Board** was held on May 16, **2017** at the Freetown Senior Center, 227 Chace Rd Freetown, MA **Present:** Keven Desmarais, Mark Rogers, Robert Jose, Nicolas Velozo, Debra Robbins

The Chairman opened the meeting at 6:02

A. Continued Public Hearing for Fallbrook subdivision

The Chairman read a letter received from the applicants, requesting a 60 day extension for the date of final action by the Planning Board. The extension would make the date of final action 7/14/17. Motion to accept the letter and grant the 60 day extension: Mark Rogers; Second: Nicolas Velozo. Motion to continue the hearing to 5/23/17 at 6:00 PM at the Senior Center: Robert Jose; Second: Nicolas Velozo; all in favor.

B. Public Hearing for Copicut Rd. solar array (Map 232 Lot 17 and Map 233 Lot 5)

Motion to waive reading of the hearing notice: Mark Rogers; Second: Robert Jose; Nicolas Velozo recused himself from the hearing. Motion passes. Steve Wiehe of Weston & Sampson approached the Board on behalf of the applicants, Eversource Energy. Mr. Wiehe states that the original submittal has been sent to the Town's third party reviewer (Environmental Partners Group; EPG), who supplied initial comment¹. Weston & Sampson subsequently filed a response to EPG's comments², along with a revised plan³, which EPG has not yet had time to review. Mr. Wiehe states this project is a 6.3 MW solar array, which spans two parcels of land owned by Jim Rezendes and Peter Borges. The total project area including easements is approximately 30 acres, with an 8 ft tall chain link fence and access roads surrounding the perimeter. The fire roads were designed in consultation with the fire chief's recommendations. The land in between and surrounding the panels will be loamed and seeded for meadow grass; if conditions allow, the panels will be installed upon piles that are driven into the ground.

Mr. Jose and site owner Jim Rezendes discussed the amount of excavation that would need to take place; some grading would need to occur, and Mr. Rezendes stated that a chunk of ledge would need to be blasted on his portion of the property. The site elevation is roughly 135ft in the back and slopes downward going to the front of the site to roughly 72ft. The Chairman inquired if anyone has met with the abutters. Mr. Rezendes states he owns a parcel to the north (Map 232, Lot 32) and that neighbor Bob Perry (Map 232, Lot 31) had concerns about the slope and berm; Mr. Perry suggested the berm be removed, and Mr. Rezendes stated they will install a 6ft fence at the top of the slope. The Chairman requested this either be depicted in the plans or sent in a narrative. Mr. Jose asked what kind of vegetation is between the properties; Mr. Rezendes stated that there are 200ft of woods and an open field in between the property line and Mr. Perry's house.

Mr. Wiehe stated that Eversource is currently looking for a General Contractor to complete the site work and installation of panels; Eversource typically uses one of 3 contractors and Mr. Wiehe stated he has worked with 2 of them and finds them to be reputable. The Chairman asked if Weston & Sampson would still be involved with project oversight. He remarked that concerns have the potential to get lost in the shuffle as projects are handed off to additional parties. Mr. Wiehe replied that Weston & Sampson helped Eversource build the first 8 MW of solar power in the state with the end production goal of 70 MW. He states a number of the western MA arrays are still owned and operated by

¹ Letter from Environmental Partners Group dated 5/1/17 RE: Engineering Site Plan Review – Proposed Solar Facility 0 and 9 Copicut Rd – Map 233 Lot 5 and Map 232 Lot 17

² Letter from Weston & Sampson dated 5/15/17 Re: Application Review Response Letter Eversource Energy Solar Project

³ Plan set entitled 'Eversource – Massachusetts Photovoltaic Program – Round II Proposed 6,358 kW-DC PV Project Copicut Road' dated 5/12/17

Eversource. The Chairman stated that the Board has conditioned previous projects so that prior to construction all parties have a public meeting with the board in a public forum, so that everybody involved is on the same page with respect to conditions, construction sequence, etc. Mr. Wiehe stated they were amenable to this. The Chairman opened the hearing to the public. Lucille Rosa of 9 W. Cudworth Ave. stated that she owns abutting property on High St. Ms. Rosa says she is concerned about site work that may infringe upon the neighboring state forest land, as has happened in the past. Mr. Wiehe replied that the boundary lines have been staked and a crew has surveyed the property and the limits of clearing have also been staked out. The Chairman stated that the Board has requested previous applicants clearly set up the limits of the disturbed areas, and the Board periodically sends out a third party reviewer during the construction phase to ensure applicants are working within the conditions of their permit. Paul Sylvester, representing the firm Burns and McDonnell states that their firm will be overseeing the construction project along with the general contractors. Motion to continue the hearing to 5/23/17 at the Senior Center at 6:05 PM: Mark Rogers; Second: Robert Jose; motion carries.

C. Public Hearing for S. Main solar array (Map 214 Lot 104)

Jim Rezendes, site owner, approached the Board to state that the proposed 5MW solar project will be constructed on top of a capped ash landfill, positioned to the right of the existing ground asphalt road. Steve Wiehe of Weston & Sampson stated that this site has been in discussions with MEPA since 1974; there have been several proposed development changes over the years, so they have reached out to MEPA requesting an advisory opinion to confirm the project does not exceed the MEPA threshold already established. Mr. Wiehe states that they have filed an RDA with Conservation and depicted the flood zone on the plans. He stated that the panels will be installed on concrete ballasts so that it won't settle into the ash. The electrical interconnection within the fenced area of the site has to be above ground on poles so it doesn't come in contact with the ash. All the electrical outside of the fenced area will be run underground. SW: on conduits at grade. Everything outside fence will then go underground.

Mr. Jose how far away the closest residence was; Mr. Rezendes stated at least 700 ft away. Several residents in attendance began discussing an unrelated truck stop rumored to be located on S. Main St. After the Chairman clarified the purpose of this hearing was to discuss the solar project, the residents exited. Mr. Wiehe requested a continuance so that the review engineer could take a look at the revised submission. Motion to continue the hearing to 5/23/17 at 6:15 PM at the Senior Center; Mark Rogers; Second: Robert Jose; motion carries.

D. Misc

Mr. Velozo rejoined the board at 6:58 PM. The Board discussed the appointment of a SRPEDD designee; consensus was that it will be the Planning Technician.

The Board began discussion of the Pine Grove Trails subdivision. Mr. Velozo and Ms. Robbins recused themselves from the discussion. Mr. Jim Rezendes approached the Board on behalf of site owner Debra Robbins. The subdivision was originally approved in 2010, and depicted 5 proposed lots off of S. Main St. Mr. Desmarais read condition #9 of the covenant dated January 24, 2012, stating: "Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before December 31, 2016 the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified by vote of the Planning Board with a written concurrence of the applicant shall result in automatic rescission of the approval of the plan...". The Chairman stated that no site work has taken place, and no infrastructure has been constructed. Mr. Rezendes stated that the site owner takes no exception to the Board rescinding the subdivision. Motion to confirm condition #9 of the covenant that the subdivision is automatically rescinded: Robert Jose; Second: Mark Rogers; motion carries.

Mr. Rezendes then gave the Board an update of progress at the Chace Parker subdivision; he stated that they are working towards completion, there are only 2 empty lots. He stated that sidewalks and the top coat of asphalt will be put in before the winter, and he will work on a self-created punchlist before EPG is sent out there.

Mr. Velozo and Ms. Robbins rejoined the Board. The Board discussed amending the Rules & Regulations of the Special Permit Granting Authority. During review of Town Meeting zoning articles with Town Counsel, the Planning Technician confirmed that the regulations do not speak to a provision allowing revolving peer review accounts referencing Chapter 44 Section 53G. The Planning Technician suggested adding the following wording to Section 1 F. Fees:

"When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The fees of any professional consultants engaged by the Board to evaluate the project shall be borne by the applicant, pursuant to M.G.L. c. 44, § 53G. Funds received by the Board pursuant to these regulations shall be made payable to the "Town of Freetown" and shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation, and shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed or hand delivered notice to the applicant of the selection. The grounds for such appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand."

Motion to adopt the wording as suggested and add to Section 1 F. Fees: Robert Jose; Second: Nicolas Velozo; all in favor.

The Board discussed the report from a resident regarding a pothole in the sidewalk over the culvert on Marie's way (before Christopher Dr.). Both Mr. Velozo and the Planning Technician had driven by to observe that it was a depression roughly 6 inches in diameter. The Planning Technician stated that Al Endriunas had recently stated he would be onsite at the end of May and June to top coat asphalt and work on punchlist. She will inform him of the sidewalk.

Public Hearing for proposed Town Meeting articles

The Chairman called the hearing to order at 7:15PM. Motion to waive the reading of the notice: Robert Jose; Second: Debra Robbins; all in favor. The Board reviewed the article that would correct numbering within Zoning Bylaws subsection 11.20 D. Motion to recommend the article as presented: Robert Jose; Second: Nicolas Velozo; all in favor.

The Board reviewed the proposed article amending 11.18 H. 'Uses' that outlines that uses which are not found within the table of use be allowed by special permit following a public hearing and review by the Planning Board. The article also amends language in section 11.18 I. 'Special Permits'. Motion to recommend the article as presented: Nicolas Velozo; Second: Mark Rogers; all in favor.

The Board reviewed the proposed article which adds a column within the Table of Uses for the Science and Technology Overlay District (STOD). The article also amends language within 11.30 to further clarify permissible uses within the STOD. The Board discussed taking out an extra word per Town Counsel review in 11.30 E 'Uses'. Resident Michael McCue was in attendance and stated he was in opposition to allowing more uses within the STOD as it would affect his view of the ledge from the State Forest side; duly noted. Motion to recommend the article with the aforementioned change: Robert Jose; Second: Nicolas Velozo; all in favor.

The Board reviewed the proposed article that would insert a definition into Section 11.2 for 'Truck Terminal' as well as to insert it into the Table of Use. The Board of Selectmen did not vote to include this article on the warrant. Motion to continue this portion of the public hearing to the Board's July meeting: Mark Rogers; Second: Nicolas Velozo; all in favor. The Planning Technician will write a letter to the Selectmen to invite them to the meeting.

The Board reviewed the proposed article that specifies Hours of Operation for certain activities in the different districts. The article inserts footnotes within the Table of Use as well as inserts a new section, 11.18 H.2. 'Hours of Operation'. The Board discussed Town Counsel comment regarding language in proposed 11.18 H.2 and consensus was to remove the words "of the business" from the last sentence. The Board also changed the Table of Use to change 'Restaurant of 2,500 sf or greater' in the I2 district from 'N' to 'Y2'. Motion to recommend with aforementioned changes: Nicolas Velozo; Second: Robert Jose.

Mark Rogers left the meeting at 8:18 PM.

The Board reviewed the proposed article for the Medical Marijuana Overlay District. The consensus was to make minor changes per Town Counsel advice. One change is to section 11.33 4.a. which shall re-word the sentence as "RMDs may be permitted in the MMOD pursuant to a Special Permit; RMDs in the I2 district will be allowed by right.". The next change is to section 11.33 4.d.1, to add the word "and" at the end of the sentence. Motion to recommend this article with the aforementioned changes: Nicolas Velozo; Second: Robert Jose; all in favor.

The Board reviewed the proposed article calling for the addition of a new section entitled "Temporary Moratorium On Recreational Marijuana Establishments". Motion to recommend the article as presented: Nicolas Velozo; Second: Robert Jose; all in favor.

Motion to adjourn: Nicolas Velozo; Second: Debra Robbins; all in favor. Meeting adjourned at 8:45 PM

Respectfully submitted,

Lauren Moreau, Planning Technician

RECEIVED
FREETOWN TOWN CLERK
2017 AUG 16 PM 12:53

Lauren Moreau