



Planning Board Minutes – July 11, 2017

A meeting of the Town of Freetown **Planning Board** was held on July 11, 2017 at the Freetown Senior Center, 227 Chace Rd Freetown, MA **Present:** Keven Desmarais, Mark Rogers, Robert Jose, Nicolas Velozo, Deb Robbins

A. Continued Public Hearing for Fall Brook Subdivision

The Chairman called the hearing to order at 6:02 PM. The applicants had contacted the Planning Technician to request a continuation to the next Planning Board hearing. They also sent a letter¹ granting the Board an extension of an additional 60 days to take final action on the plans. The current extension runs through July 16th, the letter would bring the deadline to September 14th. Motion to accept the letter and continue the public hearing to August 15th at the Senior Center at 7:00 PM: Robert Jose; Second: Nicolas Velozo; all in favor.

B. Informal Discussion of Conceptual Plans for 64-66 S. Main St.

Engineer Nyles Zager approached the Board with a conceptual plan² for 64-66 S Main depicting an approximately 13,140 sf commercial building proposed for retail use. This site had previously received special permit and site plan approval by the Board in 2013, approvals which have subsequently lapsed. Mr. Zager states that due to new parking regulations within the bylaw, the space sizes are more stringent than what had been allowed under the previous approval. He states he believes this bylaw will allow for the Planning Board to consider waivers and reductions when considering a proposal through the site plan review and/or special permit process; the Chairman confirmed this was the case. Mr. Zager stated that the client is looking for the Board's amenability for smaller parking space sizes and the elimination of landscape buffers; the clients need the building as close to the road as possible for the maximum site visibility.

The Chairman stated that a lot of discussion relative to the size of parking spaces took place and was given much consideration by the Board. Mr. Rogers stated that relative to the buffers, they are usually in place between buildings that are not of the same use, but that given that this is a business district with little residential activity, he did not have an issue with reducing the landscaping requirements. The Chairman stated that the process allows the Board to consider variations from the parking bylaw, but that he encourages the applicants to try and meet the requirements to the maximum extent possible; he states that perhaps some "compact car only" parking spots can be considered and also pointed out that a concern will also be accommodation of delivery trucks and time of deliveries. Mr. Zager states that he spoke with Scott Barbato, Zoning Enforcement Officer, who told him that he sees no issues, but to talk with the Planning Board. The Chairman stated that he will need to confirm with the ZEO what he is required to come to the Planning Board for; at a minimum based on building size for site plan review, and also most likely for the South Main Street Corridor Overlay District.

C. Continued Public Hearing for Zoning Bylaw Amendment

The Chairman called the continued public hearing to order at 6:20PM to consider an amendment to the zoning bylaw that would include language defining "truck terminal" and to include it within the Table of Use. The Chairman states this proposed amendment was conceived due to increased transient truck parking on vacant lots on or near S. Main St. as well as a truck depot/dispatch yard on S. Main. This article was not ready for the June 2017 Annual Town Meeting, as it did not specify how it could be enforced and also did properly address the more transient, short term parked trucks.

The Board discussed how the parking could be deterred, and how the jeopardy should be on the property owners to not allow this activity; it would be difficult to enforce with out of state truck drivers directly. Selectman Charlie Sullivan stated that with the property owner posting a warning, the drivers are then considered trespassing with a motor vehicle, which is a criminal violation. Mr. Jose states that he believes a fine should be assessed per occurrence. The Board directed the Planning Technician to reach out to Town Counsel to see how we could accomplish this goal, whether by protective by law, MGL statute, or zoning by law change. Motion to request town counsel assistance: Mark Rogers; Second : Robert Jose; all in favor. Motion to continue the public hearing to September 12th at 6:00 PM at Town Hall: Nicolas Velozo; Second: Robert Jose; all in favor.

¹ Letter received from Peter Hawes dated 7/10/17

² 'Concept Plan – 64-64 S. Main St' dated 6/15/17 by Zenith Consulting Engineers LLC

2017 AUG 16 PM 12:55

ja Brown

D. Alexandra Court Subdivision

Developer Bob Viana approached the Board. Alexandra Drive has been a road for the past 14 years, but is not publicly accepted. Mr. Viana would like to finish the project by chip sealing the road but is requesting that the Board release one of his final two lots (lot 7) from under covenant to enable him to want to complete this. The last communication the Board as is a review letter from Field Engineering from 2007³. Mr. Viana contends that most of the work has been completed; the Board states that after all this time, a lot of work may have gotten completed, but the Board will need to verify this. Mr. Viana states that Chuck Macomber, Highway Surveyor was amenable to him utilizing the chip seal method. The Board encouraged him to look at the punchlist and have it verified and perform any repairs prior to chip sealing/asphalting. He will need to go over his list and contact the Planning Technician in regards to a deposit for engineering review. He will also need to submit a formal letter requesting release of the lot when the time comes. The Chairman requested that Mr. Viana keep the board up to date on the progress of the project.

E. ZBA Variance granted for 64 Howland Road

Mark Rogers left the meeting at 7:03 PM. The Board discussed a variance granted for this property which allowed for a parcel to be split into (2) lots, one with an existing house which now has less than the minimum required frontage, and a second compliant lot. After reviewing case law in the ANR Handbook and consulting with Town Counsel, the Planning Technician determined that the granting of a ZBA variance for frontage does not deem the parcel compliant; this situation is still considered a subdivision of land under the subdivision control law. The Planning Board, through subdivision control law can if they choose to, waive the frontage requirements, but only through a Form C process. The Chairman states that a frontage waiver has never been granted to his knowledge. Mr. Velozo, also a member of the ZBA, stated that the applicants' hardship, and a reason they did not initially propose a Form C was that the topography of the land and ledge make it impossible to install a roadway. The Board reached a consensus that they want to avoid this situation from becoming a common request; the Chairman states that the applicants need to demonstrate why they would be eligible for this waiver and why they couldn't do a traditional subdivision. The Board also discussed talking with the ZBA about a zoning change that would allow them to grant a frontage waiver through a special permit. Case law established that if the ZBA grants a waiver for frontage through a special permit, rather than a variance, that the frontage requirement is considered to be met.

F. ANR for land located off of Camerons Way

The plan was given to the office by Luis Coelho. The Board noted that frontage distances for Lot 1F were not on the plan and should be shown. The Board did not sign the plan.

G. Misc

The Planning Technician produced a letter⁴ sent from Borrego Solar regarding the transfer of ownership of the Bullock Road solar arrays to a new party. The new party is assuming obligations, and Borrego is looking for our acknowledgement of this. The Board concurred that the Chairman should sign the letter.

Motion to adjourn: Nicolas Velozo; Second: Debra Robbins; all in favor. Meeting adjourned at 8:00 PM

³ Letter dated 11/28/07 from Field Engineering to Planning Board; Subject: Alexandra Court Subdivision As Built Plan Review/Field Observation Memorandum

⁴ Letter from Borrego solar dated 6/20/17 RE: Decommissioning Bond for Town of Freetown Solar PV Installation Site Plan Approval dated May 2, 2016